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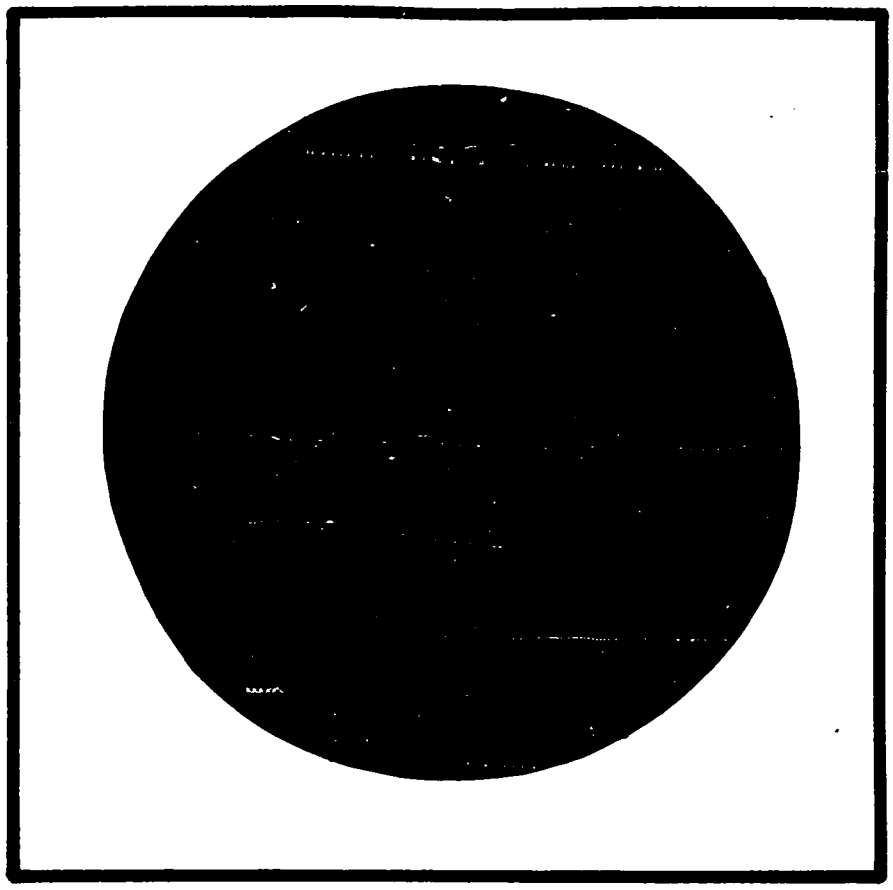

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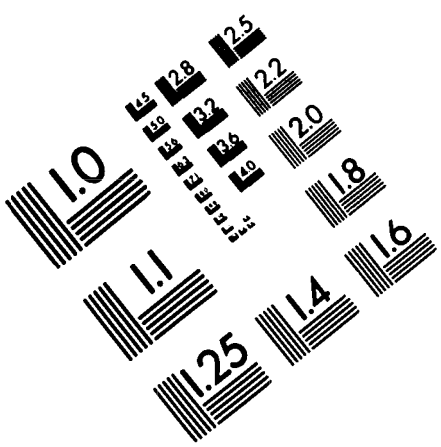

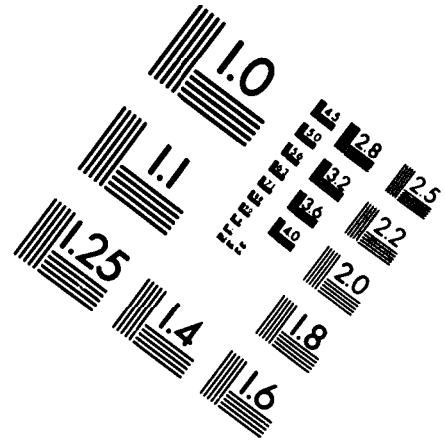

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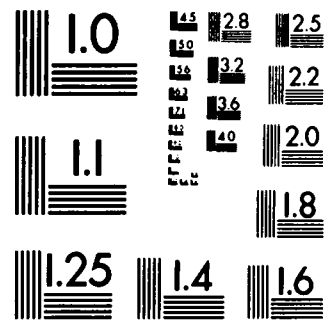

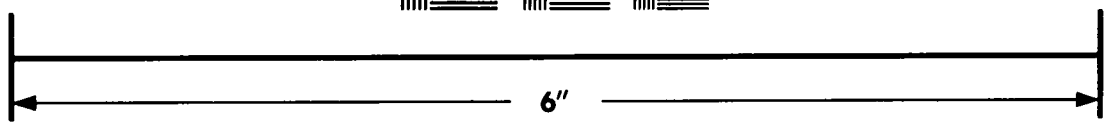

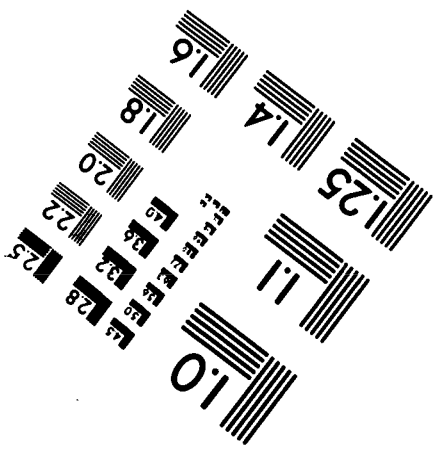

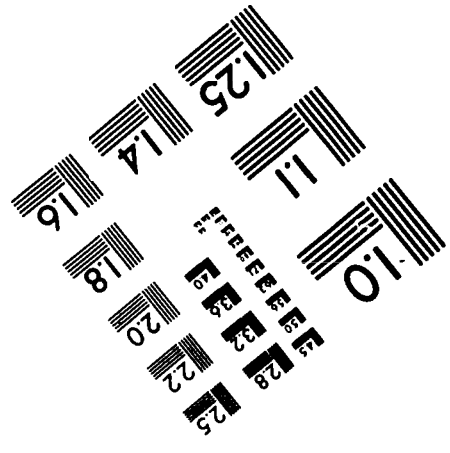

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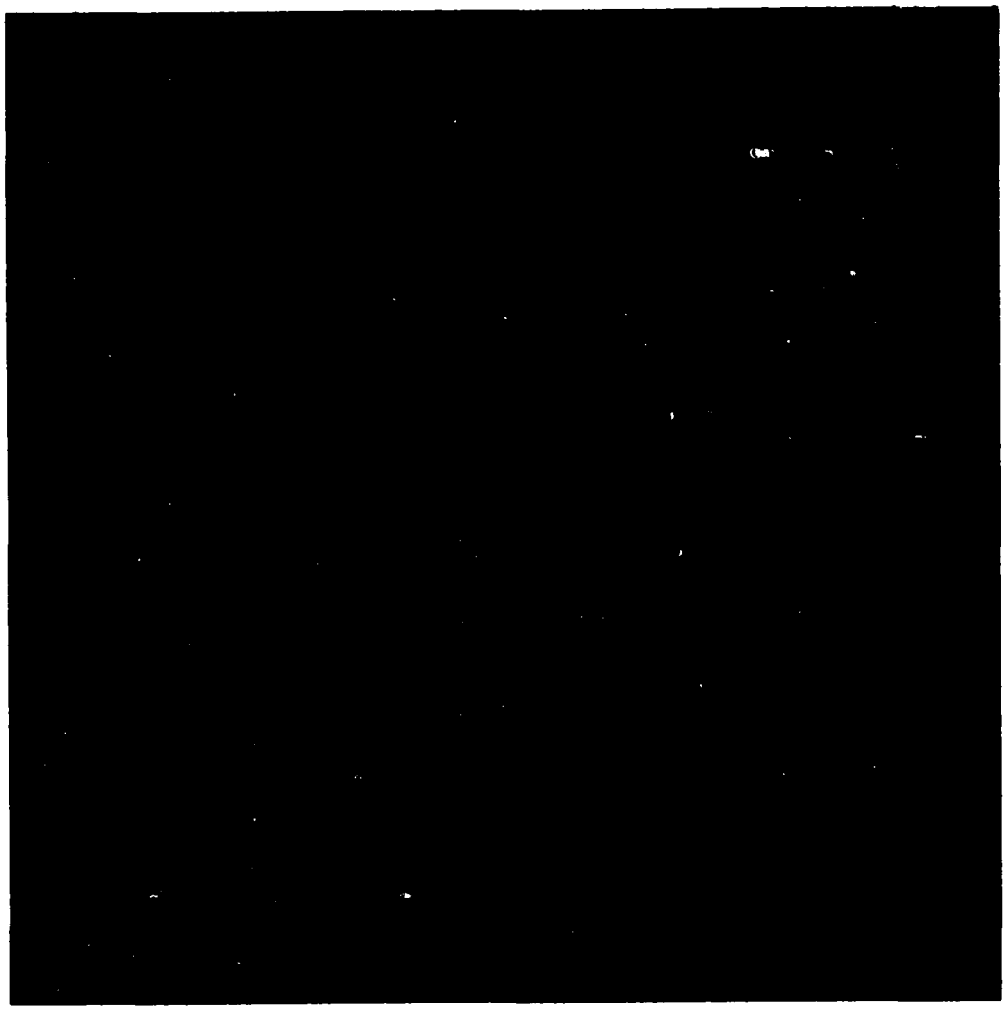

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Case No 4.

1. Proceedings of a Military Commission which convened pursuant to the following orders:-

Headquarters Department of Southern Luzon,
Manila, P. I., June 15, 1901.

Special orders,

No 166. Extract:

2. A military commission is appointed to meet at Nueva Caceres, Province of Camarines Sur, at 10:00 o'clock A. M., June 17, 1901, or as soon thereafter as practicable, for the trial of such persons as may be properly brought before it:

Detail for the commission:

Major Arthur L. Wagner, 2d Infantry;
Captain [illegible], [illegible] Cavalry;
Captain J. D. Norne, 9th Cavalry;
Captain J. A. Lynch, 29th Infantry; Judge-Advocate.

The commission is authorized to sit without regard to hours.

By command of Brigadier General [illegible]

(S.g) Arthur L. Wagner,
Assistant Adjutant General.

Headquarters Department of Southern Luzon,
Manila, P.I., June 18th 1901.

Special orders.

No. 169. Extract:

Captain J. F. M. Blair, 9th Cavalry, is relieved from duty as a member of the military commission at Nueva Caceres, Province of Camarines Sur, convened by virtue of paragraph 2, Special orders, No. 166, current series, these headquarters, and [illegible]

1st Lieutenant [illegible] Moseley, 9th Cavalry, [illegible]

By command of Brigadier General Wade:

[Sgd] Arthur L. Wagner,

Assistant Adjutant General.

Headquarters Department of Southern Luzon,

Manila, P.I., June 28th 1901.

Detail:

In obedience to Special Orders No. 144, these Headquarters, dated June 25th 1901, a detail from duty as a member of the military commission at Nueva Caceres, Province of Camarines Sur, convened by order of paragraph 2, Special Orders, No. 141, these Headquarters, dated June 22nd 1901, 1st Lieutenant C.A. Bottom, 9th Cavalry, is detailed in his stead.

By command of Brigadier General Wade:

[Sgd] Arthur L. Wagner,

Assistant Adjutant General.

Nueva Caceres, Camarines Sur. P.I.,

July 2, 1901

This commission met, pursuant to the foregoing order at 10:00 o'clock A.M.

Present:

Major Arthur L'Williams, 20th Infantry,

2nd Lieutenant E.L. Moseley, 9th Cavalry,

2nd Lieutenant C.A. Bottom, 9th Cavalry,

Captain James A. Lynch, 28th Infantry, Judge-Advocate.

The commission then proceeded to the trial of Fanuseo Braganza who was brought before the commission.

Corporal Frank Perkins, Troop A, 9th Cavalry, English-Spanish

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9.

and Mr. Luis Ibbes, Spanish - Scot were duly sworn as interpreters in this case.

Private Frederic Archer, Troop "C" 4th Cavalry was duly sworn as reporter

The accused informed Captain J. H. Blain, 4th Cavalry, who had been detailed as counsel in the case, and stated as follows:-

"I request a delay in the trial of my case until the return of Senor Francisco Alvarez, from Manila where he now is; I desire to introduce him as counsel in my case. Captain W. H. Blain has been detailed to defend me but the difficulty is that we do not understand one another, speaking different languages, and Mr. Alvarez knows more about my case; I sent a letter yesterday that Senor Alvarez had written to his wife saying that upon the Commissioners return he would leave for her. He will arrive here the latter part of next week."

Captain W. H. Blain states as follows:-

"I appear in this case in compliance with an order from competent authority, and am here to conduct the case to the utmost of my ability; I will not urge before the commission that an adjournment be had, but the accused has since a decided disinclination for me to act alone as his counsel; expressing my personal feelings in the matter I deem it but fair to him, for he is on trial for his life, and it is an important case involving international questions. The accused is entitled to all the consideration he should be, and I feel that it is but fair to him that I be relieved of the duties. He has been absolutely across the table from me & consequently how, as I stand to-day, is I would with an ordinary client; I would like to have a short adjournment that he (accused) may be represented by counsel before the commission and

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know that the case ought to be brought to trial, but I don't believe that justice will be injured by granting [illegible]
as which the judge Advocate replies:

"I have been ready on several occasions during the past month to present this case for trial, but owing to the changes of stations of officers detailed on the commission from time to time and the difficulty of replacing them, the case has been delayed. I have also delayed the case nearly two weeks waiting for the return of Mr. Francisco Alvarez, who had by request of the accused, consented to be his counsel. Believing that the case should be brought to trial without more delay, I requested the Hos. Commander to detail an officer for counsel: Captain W. C. Blain, 4th Cavalry was detailed and I am now ready to proceed. I believe the accused has good grounds for his request and think that the commission may depend upon the return of the counsel about the time the accused states."

The commission granted the request of the accused until his counsel should arrive, and instructed the accused to address the Judge Advocate upon the arrival of Mr. Alvarez.

The commission then at 11:50 o'clock A.M. adjourned to meet at the call of the president.

Wm. H. Lynch.
Captain 25th Infantry.
Judge Advocate.

Casa Blanca, Comayagüez, P.R.
July 18, 1901.

The commission met pursuant to adjournment at 10:00 o'clock A.M.

Present.

All the members of the commission and the Judge-Advocate.

The accused was present and introduced Mr. Francisco Linares as his senior counsel and Captain J. F. McClain, 9th Cavalry, as his junior counsel.

The reporter was present.

The Spanish-Creol Interpreter Mr. Luis Polo was also present.

Mr. Octavio Zurretto was duly sworn as English-Spanish Interpreter in the case, vice Corporal Frank Jenkins Troop "G" 9th Cavalry relieved.

The reading of the proceeding of the previous day was dispensed with.

The order convening the commission and the orders modifying the same were read and interpreted to the accused, and he was asked if he objected to being tried by any member present named therein: to which he replied in the negative.

The members of the commission and the Judge-Advocate were then duly sworn.

All oaths administered were fully interpreted to the accused.

The accused was then arraigned upon the following charges and specifications:-

Charges and specifications against Francisco Braganza.

Charge:- Murder in violation of the laws of war.

Specification:- In that Francisco Braganza, native, while holding the rank of Commandante of Insurgent forces and having in his custody, as prisoners, Antonia Pena, Sebastian Nuñez, Antonio Lopez, Manuel Lobo and others, all Spanish soldiers to the number of one hundred and three more or less names of others unknown, said prisoners being guarded by Insurgent soldiers, under the command of the said Francisco Braganza, did wilfully, felonously and with malice

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a foreign enemy, and those Spanish soldiers, then prisoners in his custody as he knew & believed, in this aforesaid connection, and after, cause and allow the said Antonio Plana, Sebastian Burjoy, Antonio Lobo, Manuel Lobo and others, to the number of one hundred and three, more or less, the exact number and names of which are unknown, all Spanish soldiers, who were then prisoners in his hands, to be killed and murdered by him the said Francisco Braganza's soldiers, by striking them with clubs and other shard instruments, held in the hands of the said Francisco Braganza's soldiers with which he were armed, he the said Francisco Braganza being present, in command, directing, aiding, abetting and encouraging these acts. This on or about February 23rd 1900, there as now a state of insurrection, at or near the barrio of Baluiag, pueblo of Munalabag, Camarines Sur, Luzon P.I. a place then as now under the military authority of the United States.

Charge II:- Violation of the laws of war.

Specification:- In that Francisco Braganza, native, while holding the rank of Commandante of insurgent forces, did cause and allow the bodies of Antonio Plana, Sebastian Burjoy, Antonio Borjo, Manuel Lobo and others, to the number of one hundred and three, more or less, names of others unknown, all Spanish soldiers, murdered by his orders, to be mutilated denuded of clothing and left unburied, to be devoured by the dogs in that vicinity, he the said Francisco Braganza, being present directing and encouraging these acts.

This on or about February 23rd 1900, there was now a state of insurrection, at or near the barrio of Baluiag, pueblo of Munalabag, Camarines Sur, Luzon, P.I., a place then as now under the military authority of the United States.

Charge III:- Robbery in violation of the laws of war.

Specification:- In that Francisco Braganza, native, while holding the rank of Commandante of insurgent forces, did take, steal, and carry away or cause to be taken and delivered to him, all money, jewelry, and other

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valuables found on the persons of Antonio Rana, Sebastian Nuñez, Antonio Cortes, Manuel Lobo and others, to the number of one hundred and three more or less, all Spanish soldiers, who were prisoners in his custody, and who were killed by his orders; he the said Francisco Zuganga, being present directing and assisting in these acts.

This on or about February 29th, 900, there as now a time of insurrection, at or near Baluag, a barrio of the pueblo of Bigaa, Camarines Sur, Lugon, P.I., a place then as now under the military authority of the United States.

Witnesses

Guadalupe Jesus Clemente

Ambrosio Escalante

Licarnation Capellian

(Sgd) J. A. Ryan
1st Lieut. 9th Cavalry.
Provost Marshal.

Many others whose names can be furnished by the Provost Marshal.

To which the accused pleaded as follows:-

To the Specification, 1st Charge: "Not Guilty."

To the 1st Charge: "Not Guilty."

To the Specification, 2nd Charge: "Not Guilty."

To the 2nd Charge: "Not Guilty."

To the Specification, 3rd Charge: "Not Guilty."

To the 3rd Charge: "Not Guilty."

The Judge Advocate submitted the following verbal opening for the prosecution.

The following is an outline of the prosecution, to show by evidence the following facts: that there were in the province of Camarines Sur in February, not shortly before the American forces arrived there, a number of Spanish soldiers held as prisoners of war by the Filipino army; that these prisoners were [illegible] under the protection of the so called Spaniards, under and under police of the [illegible] on the 1st of February 900 they had been secured, protection and [illegible] their clothes and houses in the

1/3

Caceres?

A. They arrived on the 22nd of February last year.

Q. What was your occupation at that time?

A. I was Secretario of this Municipio acting Governor.

Q. Before the Americans arrived here, what was the form of government in Nueva Caceres?

A. It was a mixed military government then.

Q. Did you know the accused at that time?

A. Yes.

Q. What office did he hold, if any?

expense of the people: That it was the intention of the authorities to forward these prisoners and protect them until they reached some central concentration for their ultimate release or delivery; the evidence adduced will cover a period from February 20th to 26th inclusive and will describe the march taken by the prisoners from Libmanan, which they left on Tuesday February 20th until they reached the vicinity of Baliuag, Friday February 23rd where most of them finally met their death.

The prosecution hopes to show the motives and intent of all who had charge of the prisoners at various times between the dates mentioned, and from testimony of eye-witnesses, to show what actually became of them, and who was responsible.

Faustino Santa Ana, native, a witness for the prosecution, was duly sworn and testified as follows:-

Direct-Examination: Questions by the Judge-Advocate

Q. State your name, residence and occupation?

A. Faustino Santa Ana, land owner, Nueva Caceres.

Q. Do you know the accused? If so, state who he is.

A. Yes, Francisco Braganza.

Q. About what time did the American armed forces arrive in Nueva

A. He was Sergeant major of Colonel Peña

Q. Did he have any command?

A. I don't know how many men he had, he was in charge of the prisoners from Pinili Convent to Lingayen.

Q. Did he have any case against?

A. Yes he was before that he was lieutenant of police of San Fernando.

Q. During your term of office did you see any Spanish prisoners in the custody of the authorities?

A. Yes, they were here in charge of the Presidente here in town.

Q. What was the custom of the authorities in regard to the treatment of the Spanish prisoners?

A. The orders were to give them an allowance of 15 centavos (about 8½ gold) daily for expenses.

Q. How long had these prisoners been in captivity?

A. A little over three months.

Q. About how many prisoners were there?

A. About 192.

Q. When did you last see these prisoners?

A. I don't remember the exact date was during February.

Q. Where were they going when you last saw them?

A. I myself ordered them to Lingayan.

Q. What year was that?

A. Last year.

Q. What instructions did you give regarding those prisoners?

A. To escort and deliver them at the town of Magsaysay and have a receipt signed for them?

Q. What was their destination?

A. Magsaysay.

Q. How did the Filipino government treat those prisoners during captivity?

A. In that town they were treated fine, their provisions was ordered by General Tinio and they never made any complaints

10. Q. Judging from the [illegible] received while on duty how they were to be instructed?

Ans.

The accused declined to cross-examine the witness.

Leonis Jesus a witness for the prosecution was duly sworn and testified as follows.

1901. Direct Examination: Questions by the Judge Advocate.

Q. State your name, residence and occupation.

A. Leonis Jesus a private soldier of Lemanan.

Q. Do you know the accused? If so state who he is.

A. Yes Francisco Dupayco.

Q. State what time and the American forces arrive in South Camarines.

A. The arrived in Libmanan more about the 22nd of February last year.

Q. What was your occupation at that time?

A. I was a Lieutenant-colonel of the militia.

Q. Was the accused to your knowledge connected with the military or civil authorities?

A. I don't know, as I was not in those parts but in Libmanan.

Q. Before the American forces arrived in Libmanan what was the form of government there military or civil?

A. It was under military government.

Q. Were there any Spanish prisoners in the custody of the Filipino government about that time?

A. Yes.

Q. What was the intention of the military government towards those prisoners?

A. I don't exactly know what their intention was, but we had strict orders in regard to them.

Q. Do you remember some of those orders?

A. The orders were not to turn them over to the Americans under the risk of being court-martialed, but to send them out of their reach.

Q. Did you know what the ultimate disposition of these prisoners was to be?

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11.

Q. The prisoners were, as soon as all the towns were occupied by American forces, the prisoners were to be sent to the seat of the Filipino government.

Q. Who supported these prisoners?

A. The people of the land.

Q. Were they well taken care of?

A. Yes, they were very well treated, anyone present here from Lubuagan will say the same.

Q. Would it have been considered an offence under the government at that time to have injured them?

A. Yes, it would have been.

Q. When was the last day you saw those prisoners in Lubuagan?

A. It was the same day the Americans arrived at Barcelonita, the prisoners were ordered to Pamplona under the custody of the Lieutenant of Police Cesareo Bantor.

Q. Do you remember the date the prisoners left Lubuagan?

A. The 22nd of February.

Q. Are you sure of the date?

A. Yes I am not mistaken it was the 22nd of February three days before the Americans arrived here.

Q. Who gave Cesareo Bantor his orders regarding those prisoners?

A. I gave him the orders, because I had received orders from General Guevara

Q. If you can remember the orders you gave Cesareo Bantor, state them.

A. Yes, I state them as General Guevara, and of the necessary Filipino forces at hand, if necessary, he could turn these prisoners over to them. They arrived at Pamplona and were turned over to the president, there were 113 of them.

Q. Was Cesareo Bantor to receive any orders to protect the prisoners?

A. Yes, as I gave them three sacks of rice and some dried fish when they arrived in Pamplona Cesareo Bantor received a receipt for them

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Cross- Examination: Questions by the accused:

Q. Was the Filipino forces in this section under, as being in supreme command?

A. Antonio Cacerra

Q. Where was Antonio Cacerra at the time you held the prisoners?

A. I heard he was in town.

Q. Did you receive your orders concerning these prisoners from General Cacerra?

A. Yes.

Q. Where was he then?

A. He was in Nueva Caceres.

Q. Can you remember about what date you received these orders?

A. It was the same day, the 22nd day of February.

Q. Did we understand you to say that your orders were, not to allow the prisoners to fall into the hands of the Americans under any circumstances?

A. The orders were not to deliver the prisoners to the American forces under any circumstances.

Q. Were these orders given to the subordinate commanders?

A. Yes.

Q. And it was because of these orders that they were sent from place to place?

A. Yes.

Q. As the Americans approached each separate place?

A. Yes.

Q. Where was the seat of Government of the Filipinos at that time?

A. It was supposed to be here in Nueva Caceres.

Q. Suppose the subordinate commanders in charge of the prisoners could not reach the seat of government, what were they to do with the prisoners in that case?

A. In that case they would be turned over to the Americans.

19.

Q. Did you not say that that orders were not to allow these prisoners to fall into the hands of the Americans under any circumstances?

A. Yes, I said not to deliver them under any circumstances.

Examination by the commission.

Q. Was it understood that the orders to prevent the prisoners from falling into the hands of the americans included that they should be killed as the rest?

A. No.

Q. Was it understood that they should not be killed?

A. The orders were, not to kill them, but to deliver them to the central government.

Re-Direct-Examination: Questions by the Judge-Advocate.

Q. Do you know the names of any of those prisoners who left Libmanan under Cesario Cantor?

A. No.

Q. Did you know Antonio Plana, Sebastian Nuñez, Antonio Conje, or Manuel Lobo?

A. No.

Cesario Cantor a witness for the prosecution, was duly sworn, and testified as follows:

WK. Direct Examination: Questions by the Judge-Advocate:

Q. State your name, residence, and occupation?

A. Cesario Cantor, laborer, of Libmanan.

Q. Were you in Libmanan when the Americans arrived there last year?

A. Yes.

Q. Did you see any Spanish prisoners in that town about that time?

A. Yes.

Q. What was your occupation at that time?

A. I was Sergeant of police afterwards Lieutenant of police.

Q. Did you at any time have charge of these prisoners?

A. Yes; I was appointed conductor by Friendi Ursua from Libmanan to Pamplona.

1st.

Q. What was this?

A. It was Tuesday, 2. of February last year.

Q. What orders did you receive in respect of these prisoners?

A. The orders were to send them across the river to Buena Vaceres and turn them over to General Guevara.

Q. Were there any orders relative to protection of the prisoners against assault?

A. Capt had not receive any orders relative to protection; the orders were to turn them over to General Guevara.

Q. Did you start with those prisoners from Tolmanas?

A. Yes.

Q. What time?

A. Between 10 and 11 o'clock in the morning.

Q. How many were there?

A. 173.

Q. How do you know?

A. I counted them, there were 173; afterwards I counted them again.

Q. What did you do with those prisoners?

A. We arrived at Mambola between 6 and 7 o'clock the same day. and slept there that night; at 7 o'clock next morning we left for Pamplona, where we arrived between 9 and 10 o'clock the same morning, and we delivered them to the presidente.

Q. How many did you deliver?

A. 173.

Q. Did you receive a receipt for them?

A. The President turned them over to Lucas de la Paz, who gave me a receipt for them.

Q. Where is that receipt?

A. This is it (handing the Judge-Advocate a paper which upon examination was found to be the receipt in question, a true copy of

2C

15.- which is hereto appended and marked A:)

Q. It is noticed that this receipt is dated February 21st was this the day you left Libmanan?

A. This is the day we arrived at Pamplona.

Q. What date did you leave Libmanan?

A. I don't remember, it was Tuesday.

Q What date did you arrive at Pamplona?

A. I believe it was the 21st

Q. Then if you arrived at Pamplona the day after you left Libmanan, how could you have arrived at Pamplona on the 21st you must have left Libmanan on the 20th in that case.

A. Yes.

Q Where did you go after delivering the prisoners?

A. I left for the mountains, and when the americans came, I presented myself.

Q. What did your guard consist of from Libmanan to Pamplona?

A. Myself and forty others.

Q. How were they armed?

A. With bolos.

Q. To what organization did they belong; were they, police, militia or the so called regulars?

A. They were territorial militia, police, laborers and people of the town.

Q. Were there any soldiers in the guard besides yourself?

A No.

Q. Who ordered those men to form the guard?

A I asked the lieutenant of police for men, and he told me to pick out whom I wanted.

Q. Then the guard was composed of citizens?

A. Yes, citizens and police; they are militia A.

Q. Can you recall the names of any of the Manobi prisoners whom

21

you had in charge?

A. No.

Q. Did you know Sebastian Nuñez?

A. I remember him by the name of Nuñez.

Q. How long had you known him?

A. I knew him in Estremadura.

Q. Was he a Spanish Soldier?

A. I think he was, as he was amongst the rest of them.

Q. Did you know Antonio Mena, Antonio Conjo or Manuel Lobo?

A. No.

The accused declined to cross-examine the witness.

The commission then took a recess until 2 o'clock P.M., at which hour the members of the commission, the Judge-Advocate, the accused, his counsels, the interpreters and the reporter resumed their seats.

Lucas de la Paz, a witness for the prosecution, was duly sworn and testified as follows:-

Direct Examination: Questions by the Judge-Advocate:

Q. Do you know the accused? If so, state who he is.

A. Yes, Francisco Braganza.

Q. State your name, residence and occupation.

A. Lucas de la Paz, a farmer of Pamplona.

Q. What was your occupation about the time the American forces arrived in this vicinity?

A. I was appointed Major of Militia.

Q. Where were you stationed?

A. At Pamplona.

Q. What rank had the accused then in the Filipino army?

A. He was a Lieutenant of Police under Fernando and a major in the army.

Q. Were you in Pamplona when the Spanish prisoners passed through

22

17

on that age of those Indians?

A. Yes.

Q. Did you have anything to do with those prisoners? If so state what it was.

A. I received them from a Lieutenant who came from Libmanan.

Q. What was?

A. 27th February last year.

Q. Do you remember the day of the week?

A. No.

Q. How many prisoners did you receive?

A. 179.

Q. What government was in force at Pamplona at that time?

A. Military government.

Q. What did you do with these prisoners?

A. I received them at 9 o'clock in the morning, and at 10 o'clock sent them to San Fernando the same day.

Q. Who did you send with them?

A. Captain Felipe de la Paz, and militiamen; when Felipe came back he brought a receipt.

Q. Where is the receipt?

A. This is it. (Handing the Judge-Advocate a paper, which was found, when [illegible] receipt in question, a copy of which is here [illegible] No. 3. The witness here presented another receipt, a copy of which is hereto appended and marked E; stating that one prisoner was left at San Gabriel on account of sickness.

Q. Who delivered these prisoners to you?

A. Casario of Libmanan.

Q. How long did they remain in Pamplona?

A. About one hour.

Q. Were these receipts given to Felipe de la Paz?

A. Yes.

[illegible]

[illegible]

[illegible]

19.

Q. What was your business then?

A. I was appointed Mayor of militia.

Q. How many soldiers did you have under your command?

A. 119.

Q. Do you know the accused? If so, state who he is.

A. Yes, Francisco Aragonga.

Q. How long have you known him?

A. For the last 8 years.

Q. Did you know him to hold any rank in the Filipino Army?

A. He was a major of Militia

Q. Did you see him acting as such?

A. No

Q. Were you in Pamplona when the Spanish prisoners passed through there last year?

A. Yes.

Q. What day was it?

A. I don't remember

Q. What day of the week?

A. I don't remember.

Q. Did you have anything to do with them?

A. I saw them when they arrived from Tilimasan.

Q. How long did they stay in Pamplona?

A. About an hour.

Q. Where did they go then?

A. To San Fernando.

Q. Were in Lanao.

Q. Who was placed in charge of them in San Fernando?

A. Idris

Q. How many prisoners were there?

A. 179.

19.

Q. What was your business then?

A. I was appointed Mayor of militia.

Q. How many soldiers did you have under your command?

A. 119.

Q. Do you know the accused? If so, state who he is.

A. Yes; Francisco Braganza.

Q. How long have you known him?

A. For the last 8 years.

Q. Did you know him to hold any rank in the Filipino Army?

A. He was a major of Militia

Q. Did you see him acting as such?

A. No

Q. Were you in Pamplona when the Spanish prisoners passed through there last year?

A. Yes.

Q. What day was it?

A. I don't remember

Q. What day of the week?

A. I don't remember.

Q. Did you have anything to do with them?

A. I saw them when they arrived from Tirnatan.

Q. How long did they stay in Pamplona?

A. About one hour.

Q. Where did they go then?

A. To San Fernando.

Q. Who in Tarlac

Q. Who was placed in charge of them in San Fernando?

A. Nino

Q. How many prisoners were there?

A. 179.

19.

Q. What was your business then?

A. I was appointed Mayor of militia.

Q. How many soldiers did you have under your command?

A. 119.

Q. Do you know the accused? If so, state who he is.

A. Yes, Francisco Bragonza.

Q. How long have you known him?

A. For the last 6 years.

Q. Did you know him to hold any rank in the Filipino Army?

A. He was a major of Militia.

Q. Did you see him acting as such?

A. No

Q. Were you in Pamplona when the Spanish prisoners passed through there last year?

A. Yes.

Q. What day was it?

A. I don't remember

Q. What day of the week?

A. I don't remember.

Q. Did you have anything to do with them?

A. I saw them when they arrived from Lilomasan.

Q. How long did they stay in Pamplona?

A. About an hour.

Q. Where did they go then?

A. To San Fernando.

Q. Who in Town.

Q. Who was placed in charge of them in San Fernando?

A. Idris

Q. How many prisoners were there?

A. 179.

19.

Q. What was your business then?

A. I was appointed Mayor of militia.

Q. How many soldiers did you have under your command?

A. 113.

Q. Do you know the accused? If so, state who he is.

A. Yes; Francisco Bueyenga.

Q. How long have you known him?

A. For the last 2 years.

Q. Did you know him to hold any rank in the Filipino Army?

A. He was a major of Militia

Q. Did you see him acting as such?

A. No

Q. Were you in Pamplona when the Spanish prisoners passed through there last year?

A. Yes.

Q. What day was it?

A. I don't remember

Q. What day of the week?

A. I don't remember.

Q. Did you have anything to do with them?

A. I saw them when they arrived from Tirmanan.

Q. How long did they stay in Pamplona?

A. About an hour.

Q. Where did they go then?

A. To San Fernando.

Q. Who in Town

Q. Who was placed in charge of the prisoners at San Fernando?

A. Mine

Q. How many prisoners were there?

A. 113.

Q. What orders did you receive respecting the prisoners?

A. I received verbal orders to take them to San Fernando.

Q. Did you receive any orders that gave instructions as to what was to be done with the prisoners finally?

A. No.

Q. Did you receive orders to deliver them to the Americans?

A. No.

Q. Were there any orders published at the time to the effect that if the prisoners were delivered to the Americans, the man who did it would be court-martialed?

A. Yes.

Q. Had you made up your mind as to what you would do if the Americans had been very close to you?

A. No.

Q. What do you think you would have done?

A. I simply thought of delivering them at San Fernando.

Q. What time did you arrive at San Fernando?

A. 2 P.M.

Q. To whom did you deliver the prisoners?

A. José Salcido the presidente.

Q. What did your guard consist of from Pamplona to San Fernando?

A. 30 men.

Q. Were they soldiers or civilians?

A. They were soldiers and militiamen.

Q. How were they armed?

A. With bolos.

Q. Did you conduct the prisoners?

A. Yes.

Q. How many were there?

A. 173.

21. Q. [illegible] occasion to leave [illegible] from on the road?

A. Because was sick, he was left at San Andres.

Q. Did you know Antonio Mana, Sebastian Nunez, Antonio Lopez, or Manuel Velo?

A. No.

Q. Were these prisoners soldiers?

A. I believe they were.

Q. What makes you think so?

A. Because I heard they were casadores.

Q. Do you know what was to be their final disposition?

A. No.

The accused declined to Cross-Examine the witness.

José Policia, a witness for the prosecution, was duly sworn and testified as follows:-

Direct-Examination: Questions by the Judge-Advocate.

Q. State your name, residence and occupation?

A. José Policia, a farmer of San Fernando.

Q. Do you know the accused? If so state who he is.

A. Yes; Francisco Bragonza.

Q. Where did you live when the American forces arrived in this province?

A. In San Fernando.

Q. What was your occupation at that time?

A. I was local presidente.

Q. What was the form of government in San Fernando at that time?

A. Military government.

Q. Who was the chief military man present at San Fernando at that time?

A. A Lieutenant of police, named Francisco Bragonza.

Q. What was his rank as chief military man?

A. A Major of regular forces.

22. Q. Do you remember your witness Cresencio Sison having left your own words this town from San Fernando?

A. Yes.

Q. Did you receive them?

A. Yes.

Q. From whom?

A. Felipe de la Paz.

Q. How many were there?

A. 179.

Q. What time did they arrive at San Fernando from Pampanga?

A. Between one and two o'clock in the afternoon; Wednesday February 21st last year.

Q. How long did they stay there?

A. About half an hour.

Q. What did you do with them?

A. I ordered them to go to Malaon, conducted by the police.

Q. Who was in charge of the police that conducted them?

A. A Sergeant of police, Adriano Ruivo.

Q. What orders did you give respecting them?

A. To deliver them to Malaon.

Q. Did you give the order direct to Adriano Ruivo or did it pass through your Lieutenant of police to Ruivo?

A. I gave the order to the Lieutenant of police.

Q. How long after they arrived did you give the Lieutenant of police this order?

A. Just after they arrived.

Q. What was the name of the Lieutenant of police to whom you gave this order?

A. Francisco Bragonza, the accused.

Q. Was that order delivered to the accused?

OK

A. Yes.

Q. Was the accused on duty in San Fernando at that time?

A. Yes, as Lieutenant of police.

Q. How could he perform two duties at one time, Major of regulars and Lieutenant of police, were they in conjunction?

A. As the accused had not left the town of San Fernando he was acting as Lieutenant of police.

Q. Whenever he left the town what was he then?

A. He acted as major of regulars.

Q. Where were his soldiers located?

A. I don't know.

Q. Were the police also considered as soldiers?

A. Yes.

Q. Do you know the names of some of the police of the town?

A. Yes.

Q. What orders did Adriano Nuñez have when he started with those prisoners?

A. To deliver them to the town of Bulacan.

Q. How many did he take?

A. 173.

Q. Did you give him any orders regarding their final disposition?

A. No.

Q. Do you know the names of any of the prisoners?

A. No.

Q. Did you know Antonio Pama, Sebastian Nuñez, Antonio Concio or Manuel Lobo?

A. No.

Q. Were these prisoners Spanish soldiers?

A. According to their uniforms, they were.

The accused declined to cross-examine the witness.

23.

A. Yes.

Q. Was the accused on duty in San Fernando at that time?

A. Yes, as Lieutenant of police.

Q. How could he perform two duties at one time, Major of regulares and Lieutenant of police; were they in conjunction?

Q. As the accused had not left the town of San Fernando leaving as Lieutenant of police.

Q. Whenever he left the town what was he then?

A. He acted as major of regulars.

Q. Where were his soldiers located?

A. I don't know.

Q. Were the police also considered as soldiers?

A. Yes.

Q. Do you know the names of some of the police of the town?

A. Yes.

Q. What orders did Adriano Nuñez have when he started with those prisoners?

A. To deliver them to the town of Bulacan.

Q. How many did he take?

A. 173.

Q. Did you give him any orders regarding their final disposition?

A. No.

Q. Do you know the names of any of the prisoners?

A. No.

Q. Did you recognize Antonio Pama, Sebastian Ramos, Antonio Bonjo or Manuel Lobo?

A. No.

Q. Were these prisoners Japanese soldiers?

A. According to their uniforms, they were.

The accused declined to cross-examine the witness.

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Adriano Nuñez, a witness for the prosecution, was duly sworn and testified as follows:-

Direct-Examination: Questions by the Judge-Advocate.

Q. State your name residence and occupation.

A. Adriano Nuñez, Sergt of Troop A: 9th Cavalry, in Nueva Caceres.

Q. Do you know the accused? If so, state who he is.

A. Yes; Francisco Braganza

Q. Where did you live when the Americans arrived in this part of the country?

A. I was in San Fernando.

Q. What was your business then?

A. Sergeant of police.

Q. Did you or did you not belong also to the Filipino army?

A. No.

The court here cautioned the witness to remember that he was under oath to tell the truth only.

Q. Who was your chief in the police Department of San Fernando?

A. Francisco Braganza, the accused.

Q. Was the accused in San Fernando about the time the Americans arrived?

A. No.

Q. Were you in San Fernando when a certain number of Spanish prisoners arrived from Pamplona?

A. Yes.

Q. What time of day did they arrive?

A. On Wednesday between 12 and 1 o'clock in February last year.

Q. How long did they stay there?

A. They arrived about noon, and left the next day early in the morning.

Q. What time did the Spanish prisoners arrive in San Fernando from

Q. Suspicious?

A. About noon.

Q. Did or did not the prisoners leave San Fernando the same day and go to Malolos?

A. Yes.

Q. What time?

A. About two o'clock in the afternoon.

Q. Was the accused in town doing duty as Lieutenant of police this day?

A. Yes.

Q. Who conducted the prisoners from San Fernando to Malolos that day?

A. I did.

Q. Who gave you orders to do so?

A. The presidente.

Q. Did the presidente give you the orders direct or through someone else?

A. The presidente gave me the orders.

Q. Did the accused give you any orders that day respecting the prisoners?

A. He did not.

Q. What did you do with those prisoners that day?

A. I sent them to Malolos.

Q. Did you accompany them to Malolos?

A. Yes.

Q. To whom did you deliver them?

A. The presidente.

Q. How many were there?

A. 178 in the specification; there were 178.

Q. What was the name of the presidente?

A. Gil Tolentino.

Q. Did you get a receipt for the prisoners?

[illegible]

[illegible]

[illegible]

A. Yes.

Q. Did you deliver any messages or orders to the presidente of Milaor respecting the final destination of the prisoners?

A. No.

~~The accused declined to cross examine the witness.~~

Examination by the commission:

Q. Were the prisoners all in good health and spirits when you delivered them at Milaor?

A. Yes.

Q. Had they shoes?

A. Some had others had not.

Q. Were there any with sore feet?

A. Some had sore feet.

~~Lt. Flor de Lis~~ a witness for the prosecution, was duly sworn and testified as follows:-

Direct- Examination: Questions by the Judge Advocate:

Q. State your name, residence and occupation.

A. Lt Flor de Lis, Resident, Milaor.

Q. What was your occupation at the time the Americans arrived in this part of the country?

A. I was presidente of Milaor.

Q. Where did you live?

A. In the same town.

Q. Did you know the accused at that time?

A. Yes.

Q. Did he hold any military or civil position then?

A. He was at first Lieutenant of Police, and when his brother-in-law arrived he was appointed major.

Q. Who was his brother-in-law?

A. Colonel Peña.

Q. What time did he arrive?

28.

Q. I don't remember.

Q. Shortly before or after the Americans arrived?

A. About two months before.

30th Q. Did you receive any Spanish prisoners from the town of San Fernando at that time? shortly before the Americans arrived?

A. Yes.

Q. About what date?

A. I don't remember; it was on Wednesday.

Q. Who brought them to you?

A. Ramiro Nuñez.

Q. How many were there?

A. More than 100, I don't remember the exact number.

Q. Did you receive them yourself?

A. Yes.

Q. How long did they stay in Bilbao?

A. They arrived about 5 o'clock, at 6 o'clock they were going away.

Q. Why did you send them away?

A. I was not a high official, and I sent them to Nueva Caceres.

Q. What did high officials have to do with the prisoners?

A. I don't know.

Q. What was the intention of the authorities in regard to these prisoners?

A. I don't know.

Q. Had you ever heard of such things as Spanish prisoners in the province.

A. Yes.

Q. What were they doing here?

A. Nothing.

Q. If you had been a high official in Bilbao what would you have done with the prisoners?

29.

Q. Nothing

Q. You gave as a reason for sending them from Bicol, the fact that you were not a high official, and therefore sent them to Nueva Caceres. Explain.

A. I was not a high official, and I sent them to the disposition of a higher official.

Q. Was it the intention of the authorities to send the prisoners around the country looking for high officials?

A. It looks that way, as they were sent from San Fernando to Bikol.

Q. Did they receive good treatment on the way, as far as you could observe from their condition?

A. Yes.

Q. Whom did you send to Nueva Caceres with them?

A. A Sergeant of police, Barol.

Q. Did you know any of the prisoners by name?

A. No.

A. No, they were Bikols also soldiers of the Filipino army.

Q. No.

Q. Were they available as soldiers if the occasion arose?

A. No.

Q. Did they become as if the Americans arrived and the Tinos were deserted?

A. No.

~~The accused declined to cross-examine the witness.~~

~~Examination by the commission:~~

Q. Did you receive any instructions from higher officials in regard to what you were to do with these prisoners that were brought from San Fernando.

A. No.

Q. How then did you know that they were desired or required in

[illegible] cases?

A. I used to [illegible] have any responsibility in the matter.

Q. Did you receive orders from the manner in which they were to be treated?

A. Yes, I received them to treat them well.

Eduardo Baird a witness for the prosecution was duly sworn and testified as follows:

Direct-Examination: Questions by the Judge-Advocate.

Q. State your name, residence and occupation.

A. Eduardo Baird, Sergeant of police of Bilbao.

Q. Where did you live when the american forces arrived in this part of the province?

A. In Bilbao.

Q. What was your business then?

A. Sergeant of police.

Q. Who was your chief?

A. Nicolas Camacho.

Q. Do you remember seeing any Spanish prisoners in Bilbao about that time?

A. Yes.

Q. Did you see them come in town?

A. Yes.

Q. How many were there?

A. 179.

Q. Did you escort them or not?

A. Yes, I escorted them to Nueva Caceres.

Q. Who gave you your orders?

A. The presidente, Lil Flor de Lis.

Q. What orders did he give you?

A. To deliver them at Nueva Caceres.

[illegible]

[illegible] the road was that?

[illegible] stopped and [illegible] and

[illegible] and said he [illegible]

[illegible]

[illegible] Where they arrived?

A. Nine o'clock.

Q. At what time did you arrive at Nueva [illegible]

A. About 9 o'clock?

Q. What did you do with the prisoners?

A. When I arrived in front of Stevenson

Ludwig Argüelles and Major Sang, and they

to Milam.

Q. At what time did you arrive at Nueva Caceres?

A. 5 o'clock.

Q. Was it still light?

A. Yes.

Q. Did those men give you orders to return to Milam?

A. Yes.

Q. To whom did they give the orders?

A. To me.

Q. Who conducted the prisoners back?

A. I did.

Q. What were the exact orders they gave you?

A. To take them back to Milam; after securing them to send them

to San Fernando.

Q. Did he give you any orders as to what was to be their final destination?

A. No.

31.- Q. Did he tell you why they were sent to Nuevo Caceres?

A. No.

Q. What day of the week was that?

A. Wednesday, I don't remember the month, it was last year.

Q. What kind of a guard did he have?

A. Police.

Q. How many?

A. Four.

Q. How were they armed?

A. With spears.

Q. What time did you arrive at Nuevo Caceres?

A. About 5 o'clock?

Q. What did you do with the prisoners?

A. When I arrived in front of Stevenson's were house, I met General Ludwigo Argüelles and Major Sang, and they ordered me to go back to Milaor.

Q. At what time did you arrive at Nuevo Caceres?

A. 5 o'clock.

Q. Was it still light?

A. Yes.

Q. Did those men give you orders to return to Milaor?

A. Yes.

Q. To whom did they give the orders?

A. To me.

Q. Who conducted the prisoners back?

A. I did.

Q. What were the exact orders they gave you?

A. To take them back to Milaor; after securing them to send them to San Fernando.

Q. Did he give you any orders as to what was to be their final destination?

A. No.

Q. How long did you remain in Mambolo?

A. I did not stay there.

Q. Did they give you any reasons for sending the prisoners back?

A. No.

Q. Did you know any of the prisoners?

A. No.

Q. What kind of prisoners were they, civil or military?

A. I dont Know.

The accused declined to cross-examine the witness.

Examination by the Commission.

Q. What was the condition of these prisoners when they got back to Milan?

A. They looked tired.

Q. In what condition were the prisoners, when they left Buena Vaenas for Milan?

A. They were tired; exhausted.

Felipe San Jangwin, a witness for the the prosecution, was duly sworn and testified as follows:-

Direct Examination: Questions by the Judge Advocate:

Q. State your name, residence and occupation.

A. Felipe San Jangwin, a citizen of Nueva Caceres.

Q. Where did you live when the Americans entered this part of the province.

A. In Nueva Caceres.

Q. What was your occupation?

A. I was Captain of Militia

Q. Under whose orders?

A. Under Bicol orders.

Q. Do you know the accused? If so state who he is.

A. Yes. Francisco Ortiaga.

Q. Are you in the habit of seeing the accused [illegible]

Q. [illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

[illegible]

[illegible]

[illegible] Spanish prisoners [illegible]

[illegible]

[illegible]

A. Whilst I was at the Presidio, and the President told me to deliver them to the Minister of Police, Nicolas Cimacho, he asked me to send them because they were hungry, after that I came back.

Q. Were they in good condition as to health and comfort?

A. They were well.

Q. How many did you take back to Mexico?

A. I took Nine; over a hundred.

Q. Were any receipts given or taken?

A. They gave me a receipt, but I lost it.

Q. Do you remember the exact number?

A. About 173.

Q. What kind of prisoners were these, military or civil?

A. They were military prisoners.

Q. How were they dressed?

A. As civilians

Q. You said they were Spanish prisoners in your testimony; were they soldiers or civilians?

A. I don't know; I know they were prisoners of war.

Q. Were they Spanish soldiers?

A. Yes

Q. Who said they were soldiers?

A. Some

Q. Do you know the names of any of these prisoners?

95.

A. No.

Q. Had you ever seen any of these prisoners before?

A. Yes, I saw some of them in the tribunal long before.

Q. Do you know Ramón Nima, Sebastián Nuñez, Antonio Conjo, or Manuel Lobo.

A. No.

Q. Have you ever seen any of them again?

A. No. The accused declined to cross-examine the witness.

1901. the 19th inst.

The court adjourned at 5.16 P.M. to meet tomorrow at 10.30 A.M.

Thos Lynch

Captain 28th Infantry

Judge Advocate.

Junta Escores, Camarines Sur, P.I.

July 19. 1901.

The commission met pursuant to adjournment, at 10.30 A.M.

Present:

All the members of the commission and the judge-advocate.

The accused, his counsels, the interpreters, and the reporter were also present.

The reading of the proceedings of the previous day was dispensed with.

Nicolás Escores, a witness for the prosecution, was duly sworn and testified as follows:

Direct-examination by the judge-advocate:

Q. State your name, residence and occupation.

A. Nicolás Escores, a clerk of the town.

Q. Do you know the accused? If so state who he is.

A. Yes. Francisco Aragonés.

Q. State all you know when the above-named entered the service.

A. In March

Q. Did you [illegible]

a. Yes.

Q. Did he hold any official Military or Civil position?

A. He was a Major of regular forces.

Q. Did he hold any other position?

A. I don't know.

Q. Where did he live?

A. When he was appointed he lived in Nueva Caceres.

Q. What position did you hold at the time?

A. I was Lieutenant of police of Nilcar.

Q. Did you see any Spanish prisoners in Nilcar about that time?

A. Yes, I conducted them to San Fernando.

Q. What date?

A. I do not remember, it was Wednesday.

Q. How many were there?

A. I don't remember, the sergeant in charge knew the number.

Q. Who delivered the prisoners to you?

A. The presidente.

Q. Where had they come from?

A. From Nueva Caceres.

Q. What orders did the presidente give you?

A. To send them to San Fernando.

Q. What time did you start with them?

A. About 4 in the evening.

Q. What time did you arrive in San Fernando?

A. About 10 o'clock.

Q. To whom did you deliver them?

A. To the presidente, Jose Galicia.

Q. Did you deliver to him any orders respecting the disposal of the prisoners?

A. No

3

Q. Were you given instructions regarding them?

A. Yes.

Q. What did you do after delivering them?

A. I came back to Belize.

Q. Had you ever seen any of the prisoners before?

A. No.

Q. Do you know any of their names?

A. No.

Q. Did you know Antonio Pena?

A. No.

Q. Did you know Sebastian Nunez?

Mrb. A. Yes.

Q. How long had you known him?

A. I knew him when he was in Punta Gorda; he was a clerk for the sergeant of police.

Q. Have you seen Sebastian Nunez since then?

A. No.

Q. Are you sure that Sebastian Nunez was among the prisoners you delivered to Jose Galicia?

A. Yes. I asked him for a cigarette

Q. Did you know Antonio Cinjo?

A. I knew him by that name.

Q. Did you know Manuel Lobo?

A. No.

Q. How many prisoners did you deliver to Jose Galicia?

A. I don't know, the Sergeant had the statement.

Q. Who was present when you delivered these prisoners to Jose Galicia

A. Adriano Nunez and a few women.

Q. What official was Adriano Nunez?

A. Sergeant of police.

Q. Did you see the accused there at the time of the delivery?

A. No.

Q. What was the condition of the prisoners as to health comfort etc:

A. They were well.

Cross-Examination: Questions by the accused:

Q. Were you present in the house of the accused on February 23rd last year?

A. I don't remember the date, I saw him Thursday in front of his house in Tinio near San Fernando.

Q. Do you know the distance between Tinio and Belinag?

A. A long way, about two or three hours walk.

Q. You remember the day but not the date?

A. Yes, it was the same day the American forces arrived here.

Q. Who else was in the house at the time?

A. I believe the family of the accused.

Q. Were they grown people?

A. Yes, 3 women and 2 men.

Q. Do you know their names?

A. Yes, some of them; Feliciano Rivera and Basilio Pena.

Examination by the commission:

Q. In what manner were the prisoners fed?

A. I don't know.

Q. Did they complain of ill treatment?

A. Some said they were hungry.

Q. Were any of them tired?

A. Yes

Q. Were any of them very ill?

A. I don't know.

Q. How many men did you have in your party escorting them?

A. According to my calculation, over ten.

Q. Did any of them struggle or linger behind requiring assistance?

A. No.

Q. How long before the Americans arrived here did you take them to San Fernando?

A. I escorted them Wednesday, the next day about noon the Americans arrived

Q. Had you any idea or information as to what was to be done with these prisoners ultimately?

A. No.

José Galiga a witness for the prosecution, was recalled and after being cautioned that he had been sworn in this case, and was still under oath, testified as follows -

Direct Examination: Questions by the Judge-Advocate:

Q. Do you remember Nicolas Gonzales delivering certain Spanish prisoners to you at San Fernando about February 21st last year?

A. Yes.

Q. At what time of night or day?

A. Between 9 and 10 o'clock in the morning.

Q. Where had he come from?

A. From River.

Q. What did you do with the prisoners that night?

A. Shot them next and fed them.

Q. Where did they stay that night?

A. In the Cuartel.

Q. How many were there?

A. 73.

Q. What became of the [illegible] prisoners?

A. The next day Gonzales asked some that [illegible] to [illegible] over a [illegible] Monte Rey.

Q. [illegible]?

A. [illegible]

Q. [illegible]?

40.

A. No.

Q. Who did?

A. I did not see anything after I gave the order to Adriano, I packed up my things and went to the woods.

Q. What time did they leave?

A. A little after noon.

Q. What were the exact orders you gave to that Sergeant?

A. To take them to Munalabag, because they would not receive them at Milaor.

Q. What was the necessity of sending them anywhere?

A. It was the best way for sending them to Manila.

Q. What was to be the ultimate disposition of the prisoners?

A. To send them to Munalabag, from there to send them elsewhere.

Q. When did the civil government end in your town?

A. In the month of February.

Q. About what date?

A. I don't remember.

Q. Was the civil government in force when you sent Adriano Juney with the prisoners to Munalabag?

A. It was yet present.

Q. Where was your Lieutenant of police when the prisoners arrived?

A. He asked for leave to take his family away.

Q. Where was he?

A. In a place called Lipitan.

Q. Are you sure he was not in San Fernando?

A. He was not there.

Q. When did he leave ~~~~ San Fernando?

A. I don't remember the date

Q. Are you sure about the dates?

A. I only remember the day when the gun was fired that announced

Q. [illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

Q. [illegible]

A. Thursday

Q. What was the [illegible] prisoners [illegible] San Fernando for Malate?

A. Thursday.

Q. Did you see your Lieutenant of police after that?

A. I did not see him for fifteen months after.

Q. Did he wear Lieutenant's uniform on Wednesday?

A. Francisco Dagangan the accused.

Q. During the time he held the office of Lieutenant of police, did he exercise any military command?

A. I did not see him.

Q. Did you know whether or not he held any military office or rank?

A. I knew he was a major, because he had the insigna of a major, and was dressed as a major.

Q. What was the condition of your town Thursday morning?

A. The town was deserted.

Q. Had the police deserted the town also?

A. Yes.

Q. How many police did Adriano have to conduct the prisoners to Pinalebag?

A. I don't know.

DS. Q. Had these police been in the habit of receiving orders from the Lieutenant of police?

A. Yes, when he was present.

Cross-Examination Questions by the accused

[illegible] reason for the detention the accused left San Fernando
[illegible] of some forces under the supervision of major
[illegible] in December or January.

Examination of the commission

[illegible]

Q. Were you there because the Japanese forces were in that vicinity
or the Japanese forces?

A. The native forces.

Q. Why did you feel it necessary to send the prisoners where the
native forces were concentrated?

A. Because the authorities were there and there had the means of
looking after them.

Q. The military authorities?

A. According to what news I had.

Q. What news did you have?

A. I knew that the forces were in Tarlac, Baao and Iriga.

Q. Did you send these prisoners through Nicolas, or did they go
direct to Manilacay?

A. I don't know.

Q. Why don't you know?

A. The conductors will be able to tell you this; when I heard the report of the gun they were going in that direction.

Pedro Arasas, a witness for the prosecution was duly sworn, and testified as follows:-

Direct-Examination: Questions by the Judge-Advocate:

Q. State your name residence and occupation.

A. Pedro Arasas, a resident of Minalabag.

Q. Do you know the accused? If so, state who he is.

A. Yes: Francisco Braganza.

Q. Where did you live, and what was your occupation about the time

Q. When Americans entered this province?

A. I was local president of Pinalabag.

Q. Do you remember about what date the American forces arrived in Nueva Ecija?

A. I don't remember the date, but remember it was Thursday.

Q. Did you see any American prisoners about that time, who had left San Fernando?

A. Yes.

Q. Where?

A. I saw them on their way from Nilaar to Pinalabag.

Q. What day?

A. Thursday.

Q. What time?

A. Between 2 and 3 o'clock

Q. Where were they going?

A. Towards Pinalabag.

Q. What part of the road and how far from Pinalabag did you see them?

A. They were just entering the town.

Q. What were you doing then?

A. I was getting the meal ready for the native police.

Q. Do you own a [illegible] house?

A. [illegible]

Q. [illegible]

A. Yes

Q. [illegible]

A. No

Q. [illegible]

A. Yes

Q. [illegible]

A. [illegible]

Q. Who was in charge of them?

A. I don't know.

Q. Did the person who was in charge of them say anything to you?

A. No.

Q. About what time in the day was this?

A. About 2 or 3 in the afternoon.

Q. Was the accused in town that day?

A. I did not see him.

Q. How many troops were in your town?

A. A little over a hundred, armed with rifles and bolos.

Q. Who was chief in your district?

A. A person by the name of Alfonso.

Q. The day before the Americans arrived, who was the immediate commander of the troops?

A. Alfonso

Q. What was his rank?

A. A Major.

Q. Did you know the accused was also a Major?

A. They said so.

Q. Did you ever see him in command of any troops?

A. No.

Q. Had you ever seen any of the Spanish prisoners before?

A. No.

Q. Did you know any of their names?

A. No.

Q. Had you ever had any Spanish prisoners in your town taking care of them?

A. No.

Q. Did you know of any necessity among the town in this locality to take care of Spanish prisoners?

A. No, they had orders to that effect.

Q. Did you hear any firing when they were taken away by many guns in your presence?

A. I don't know that was the first time they sent them there.

Q. What time did these prisoners leave Munalabag?

A. I can't say exactly, they did not stay long.

Q. What direction did they go in?

A. I don't know.

Q. How did you know they had left your town?

A. Because the town was deserted.

Q. How many roads lead out of your town?

A. Only one road, but it was then during the dry season, and they could have gone in any direction

Q. Did any Filipino troops go with them?

A. I don't know.

Q. Did any of the police of Munalabag go along?

A. I don't know.

Q. What was the name of the chief of police at Munalabag?

A. Sebastian Florendo.

Q. Where is he now?

A. In Munalabag.

Q. Was there a Sergeant of police there by the name of Lorenzo Acoba?

A. Lolipi was sergeant of police only.

Q. Did you ever see any of the Spanish prisoners again?

A. Yes.

Q. Where?

A. In a "cito" called Tagsanon.

Q. Do you know whether they were the same prisoners that passed through your town?

A. I don't know; according to what I heard, they were scattered

over the areas, some killed and murdered.

Q. How long after they left your town did you see the prisoners again?

A. One day after.

Q. How many did you see?

A. About 30 or 40.

Q. Where were they going?

A. I don't know.

Q. What time next day?

A. Very early in the morning.

Q. What was their physical condition?

A. Some were tied with ropes, and were conducted by people whom I did not know.

Q. Were they still prisoners?

A. I believe so.

Q. Who had charge of them?

A. The people from the mountains.

Q. Were these people armed?

A. Yes, most of them had arms.

Q. What became of these thirty or forty prisoners?

A. They were all joined in a place called Pagsanjan: General Luchan was there.

Q. Were they Spanish prisoners?

A. Apparently

Q. Did you have any conversation with them?

A. No.

Q. And you were still president of that town?

A. Yes

Q. And did not receive a full report of who they were?

A. No.

47.- Q. Did they make any explanation as to where they had been?

A. No.

The accused declined to Cross-Examine the witness.

Examination by the commission:

Q. When you saw these prisoners the second day, were they more, or less in number than they were in Manilabag?

A. They were less.

Q. Did you know what became of the others?

A. I don't know.

Q. What were you doing at Pagsanon?

A. I went there to see General Lucban & tell him that I had heard that there were Spanish prisoners in the mountains of Manilabag.

Q. Was General Lucban there?

A. Yes.

Q. Was he in command?

A. No, he was the representative of the province.

Q. Was he a military officer?

A. No.

Q. What was the designation of his office?

A. He was representative of the province.

Q. How was this, at Pagsanon?

A. No later.

Q. And General Lucban was there?

A. He was not there as the representative from Tayabas.

Q. Was he in charge of the prisoners?

A. As the prisoners were there, General Lucban had sent for them.

Q. How did you know there were prisoners in the mountains?

A. From the people that passed through there.

Q. Why did you report to General Lucban?

A. Because he was representative of the province.

47. Q. Did they make any explanation as to where they had been?

A. No.

The accused declined to Cross-Examine the witness.

Examination by the commission:

Q. When you saw these prisoners the second day, were they more, or less in number than they were in Minalabag?

A. They were less.

Q. Did you know what became of the others?

A. I don't know.

Q. What were you doing at Pagsanon?

A. I went there to see General Lucban & tell him that I had heard that there were Spanish prisoners in the mountains of Minalabag.

Q. Was General Lucban there?

A. Yes.

Q. Was he in command?

A. No. he was the representative of the province.

Q. Was he a military officer?

A. No.

Q. What was the designation of his office?

A. He was representative of the province.

Q. How was this, at Pagsanon?

A. I don't know.

Q. And General Lucban was there?

A. He was not a General. He represented Dicto Lucban.

Q. Who was in charge of the prisoners?

A. As the prisoners were there, Dicto Lucban sent for them.

Q. How did you know there were prisoners in the mountains?

A. From the people that passed that way.

Q. Why did you report that to him?

A. Because he was representative of the province.

Q. What did you hear in relation to the condition of the prisoners in the mountains whom you were going to rescue?

A. Were told they were wandering in the woods.

Q. Were they lost?

A. No.

Q. Did you mean for General Lucban to give them protection?

A. Yes.

Q. Protection from whom?

A. To protect them.

Q. From the Americans?

A. No; protection from the Filipino insurgents.

Q. Then General Lucban had power to protect them?

A. Yes.

Q. How far from Pagsanjan is Minalabag?

A. About two hours walk.

Q. When the prisoners left Minalabag did they go to Milaor?

A. I don't know as I left before they did.

Q. Where did you go?

A. To Labon

Q. When did you return to Minalabag

A. On the 10th of March.

Q. Do you mean to tell this court that you don't know whether or not the prisoners who left Minalabag went back to Milaor?

A. I don't know whether they went back.

Q. How do you know that the prisoners in the mountains needed protection?

A. Because they were in the woods and had nothing to eat.

Q. How did you know that?

A. The people coming from the mountains said so.

Q. Why did you leave Minalabag?

A. Because we had orders from the commanding officer of the municipality.

Q. Did those 30 or 40 persons all appear before the commanding officer?

A. They were all commanded. They were happy.

Q. Did they complain of anything else besides hunger?

A. No.

Q. How did he ascertain that they were so reduced in number?

A. I don't know.

Q. Did they say anything about what became of their companions?

A. They said most of them were in the mountains.

Q. Who told you that?

A. I did not know their names.

Leon Ibon a witness for the prosecution was duly sworn and testified as follows:-

Direct-Examination: Questions by the Judge-Advocate:

Q. State your name, residence and occupation.

A. Leon Ibon, a laborer of San Fernando.

Q. Do you remember when the American forces arrived in this locality last year?

A. Yes.

Q. What was your occupation at that time?

A. I was private of police of San Fernando.

Q. Do you know the accused? If so, state who he is.

A. Yes, Francisco Bragana.

Q. Did you know him at the time you were a policeman of San Fernando?

A. Yes.

Q. What was his occupation?

A. Lieutenant of police.

Q. Did you take orders from him?

A. Yes.

Q. Some years ago, some two years ago, a steamship arrived at the port of San Fernando, did she not?

A. Yes.

Q. What month was that?

Q. The month the Americans arrived here last year.

Q. What time did the Americans arrive at San Fernando?

A. About noon.

Q. A fair day of the week?

A. I believe it was Wednesday.

Q. What time on Wednesday did they arrive?

A. About 12 o'clock and then left for Bulacan.

Q. Did they come back there that same day?

A. Yes.

Q. What time?

A. Between 8 and 9 o'clock at night.

Q. How long did they stay?

A. All night.

Q. What did they do the next morning?

A. Early the next morning after feeding them, they left for Bulacan

Q. Who took them away the next morning?

A. We, the police

Q. Who was in charge?

A. Pangulino Ignacio, a corporal.

Q. Were you in charge at any time after you left San Fernando?

A. Yes.

Q. How soon after you left San Fernando?

A. A little while after.

Q. How many guards did you have?

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A. Twelve.

Q. Where were they from?

A. They were police of San Fernando.

Q. How were they armed?

A. With bolos.

Q. How many prisoners were there?

A. One hundred and seventy three.

Q. How do you know?

A. Because the corporal told me there one hundred and seventy-three.

Q. How far did the corporal go with them?

A. All the way.

Q. From whom did you get your orders from which you started with those prisoners?

A. From Tranquilino Vinicio.

Q. Where is he now?

A. In the mountains.

Q. At what time did you take charge of the prisoners?

A. I never had charge of them.

Q. Do you know Adriano Nuñez?

A. Yes.

Q. Was he present in San Fernando at that time?

A. Yes.

Q. What was he doing?

A. He was Sergeant of police.

Q. Did he give you orders respecting those prisoners?

A. Yes to send them to Malolos.

Q. Did he tell you what was to be done with them at Malolos?

A. He said to deliver them to the Presidente of Malolos.

Q. Did Adriano start with the prisoners or command?

A. No.

51

A. Twelve.

Q. Where were they from?

A. They were police of San Fernando.

Q. How were they armed?

A. With bolos.

Q. How many prisoners were there?

A. One hundred and seventy three.

Q. How do you know?

A. Because the corporal told me there one hundred and seventy-three.

Q. How far did the corporal go with them?

A. All the way.

Q. From whom did you get your orders from which you started with those prisoners?

A. From Tranquilino Vinicio.

Q. Where is he now?

A. In the mountains.

Q. At what time did you take charge of the prisoners?

A. I never had charge of them.

Q. Do you know Adriano Nuñez?

A. Yes.

Q. Was he present in San Fernando at that time?

A. Yes.

Q. What was he doing?

A. He was Sergeant of police.

Q. Did he give you orders respecting these prisoners?

A. Yes he sent them to Malolos.

Q. Did he tell you what was to be done with them at Malolos?

A. He said to deliver them to the presidente of Malolos.

Q. Did Adriano start with the prisoners in command?

A. No

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Q. Who started in command?

A. The first time Adriano Hurley. The next time we conducted them.

Q. Describe where you took them to.

A. From Vinlar we took them to Manialabay, and we were preparing to feed them, when we heard the Americans were coming, and we started away.

Q. What time did you start from San Fernando?

A. Twelve o'clock

Q. What time did you arrive at Manialabay?

A. Two o'clock in the afternoon.

Q. Did the prisoners stop to eat their dinner at Manialabay?

A. Some did

Q. Why did not all eat?

A. Because we were in a hurry.

Q. What made you in a hurry?

A. Because the Americans were coming.

Q. Who said so.

A. The people and Soldiers

Q. Did you start away from Manialabay with the prisoners?

A. Yes.

Q. Was your guard increased at that time?

A. Yes.

Q. Who joined the guard at Manialabay?

A. Some from Manialabay, mostly militiamen.

Q. How long did you stay in Manialabay with the prisoners?

A. A little while.

Q. Did you see the accused in Manialabay the day you accompanied the prisoners there?

A. Yes.

33. Q. What was he doing?

A. I don't know, I only saw him there.

Q. Did you hear him give any orders?

A. He gave the order to send the prisoners to Baliuag.

Q. To whom did he give the order?

A. To Corporal Senicio.

Q. How soon did they start?

A. Immediately after.

Q. Did you see the whole one hundred and seventy-three start?

A. Yes.

Q. Did the accused go with them?

A. We started at Lupi.

Q. Did the accused Francisco Bragança start with the prisoners from Minalabag, on Thursday?

A. Yes.

Q. How do you know?

A. I saw him ahead.

Q. Was he riding or walking?

A. He was walking.

Q. Was he armed?

A. Yes, with a revolver.

Q. What kind of hat did he have?

A. He had a cap.

Q. Was he in uniform? If so, what kind.

A. Yes, the uniform of a major.

Q. Major of what?

A. Militia.

Q. How far did he continue to go with the prisoners?

A. When we arrived in Baliuag I did not see him any more.

Q. What time did you arrive in Baliuag?

A. Between Five and Six in the evening.

54. Q. Did you see the accused again that day?

A. No.

Q. Did you see him the next day?

A. No.

Q. What day did you leave Binalatay?

A. Wednesday.

Q. Did you see the accused the day after you arrived at Baliuag?

A. I saw him the night before.

Q. You said you arrived at 6 o'clock?

A. Yes.

Q. Where did you stay that night?

A. In a house on the first floor.

Q. Where did the Spanish prisoners stay?

A. In the same place.

Q. Were they still under guard?

A. Yes.

Q. When you left Binalatay under orders of Francisco Braganza, did he have charge of the prisoners?

A. Yes.

Q. What time did you get up at Baliuag the next morning?

A. In the morning, early.

Q. Who guarded the prisoners during the night before?

A. We did.

Q. Who was in charge of the guard?

A. Braganza was in charge.

Q. Was he present that night in Baliuag?

A. Yes.

Q. About what time was the last you saw of him that night?

A. About 8 o'clock

55. Q. Do you know where he slept that night?

53:

A. No.

Q. Where did the prisoners have breakfast the next morning?

A. In front of Baluiag.

Q. Who gave them their breakfast?

A. They had provisions along with them.

Q. Was the accused Francisco Braganza present that morning at Baluiag?

A. Yes.

Q. What was he doing?

A. He was on the top floor and we were below.

Q. How was he armed that day?

A. With a revolver.

Q. How many guards were present that day?

A. About twenty policeguard militiamen.

Q. Did Braganza give any orders that day respecting the prisoners?

A. He ordered them further up.

Q. What do you mean by further up?

A. Up in the woods.

Q. Did he designate any special place?

A. No.

Q. To whom did he give the orders?

A. To Pampilino Tenicio.

Q. How far were you from Braganza when these orders were given?

A. About six yards.

Q. Do you remember the exact words he used?

A. Yes.

Q. What were they?

A. To kill all the prisoners as we go up.

Q. What did the guard do then?

A. Executed them.

Q. How many were they?

A. about 7. o'clock in the morning.

Q. How long did you march?

A. From 7. o'clock until noon.

Q. Were the prisoners able to travel all that distance?

A. Some were.

Q. Did any of them fall behind?

A. Yes.

Q. Why?

A. Because they were exhausted.

Q. Were they set at liberty?

A. No; they killed them there.

Q. Who killed them?

A Bragang a ordered the militia to kill them.

Q. How do you know that?

A. Because I was behind.

Q. Were any of the prisoners tied that day?

A. Yes, as they marched along they were tied

Q. After you halted at 12 o'clock, what was done next?

A. They started killing, and some escaped.

Q. Those who were killed were they tied?

A. Yes.

Q. Who tied them?

A. The militiamen

Q. Why did they tie them?

A. To prevent their escaping.

Q. Did you hear anybody order them tied?

A. Yes; Bragang a ordered them tied.

Q. Did you know the majority?

A. Yes.

Q. Why?

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A. Because I was afraid [illegible] because he threatened me.

Q. What did you do?

A. Because [illegible] because he said if you don't obey me, I will kill you.

Q. Was he armed?

A. Yes with a revolver.

Q. How do you know?

A. We noticed it was a black thing in his hand.

Q. Why did he pass it out?

A. Because we did not want to obey his orders to be the prisoners.

Q. Were there any trees in that vicinity?

A. No.

Q. Were the prisoners near the trees while being taken Eastwards?

A. I saw one tied to a tree.

Q. Describe what happened after they were tied.

A. When all were tied they killed some of them; some managed to escape; others were lying down dead.

Q. How many were lying down dead?

A. About ten.

Q. What caused the death of these ten?

A. They were killed with bolos.

Q. Who killed them?

A. The militia-men.

Q. How were they armed?

A. With a dagger.

Q. Were any of these ten killed with a dagger?

A. Yes; some were killed with bolos, some with lances.

Q. Were there any others killed at this time?

A. Yes; some that tried to escape were killed.

Q. Why did they try to escape?

Q. Do you see him here?

Q. Can you identify him? Where is he seated?

Q. Point him out.

Q. What were the soldiers and the prisoners?

Q. Were you on the street at that time?

Q. Is he one of those soldiers?

Q. Describe what happened?

Q. Did you hear him give the order?

A. Yes.

Q. And what did he do?

A. I saw all the prisoners. They were here and then returned.

Q. Was there any signal given for this action?

A. Yes, a whistle.

Q. Did you see the accused at the time the killing was going on?

A. Yes.

Q. How close were you to him?

A. About five yards.

Q. What was he doing?

A. He had a revolver in his hand.

Q. Was he saying anything?

A. He said "Hurry up and kill them before it gets dark, after this we will go back."

Q. Do you know the names of any of the men who actually killed the ten men you saw dead?

A. They were people of Minalabag.

Q. The police of San Fernando were employed in that work, were they not?

A. Yes, they were.

Q. How long did it take before you were ready to return home?

A. We were back at San Fernando at 2 o'clock.

Q. About how many dead prisoners did you see that day altogether?

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A. Yes.

Q. Did you see any of the prisoners who had escaped, after you left the woods?

A. Yes.

Q. Where?

A. In Lupi.

Q. How many did you see?

A. Forty.

Q. Were they recaptured?

A. Yes.

Q. All of them?

A. Yes.

Q. Who recaptured them?

A. A Major of Militia Señor Melendo.

Q. Did you capture any escaped prisoners?

A. No.

Q. Did you see any of the prisoners killed between Manalabay and Balinag?

A. Yes; I saw one as I passed he was dead.

Q. Who killed him?

A. A Militiaman

Q. What did he kill him for?

A. Because he was tired.

Q. Did you see the militiaman kill him?

A. Yes.

Q. What did he kill him with?

A. A bolo.

Q. Did anybody object to his being killed?

A. No.

Q. Did the militiaman kill him without orders?

A. I did not hear anybody give him any

30.

Q When these ten prisoners were killed at Baluag did they say anything?

A. Yes: They said "don't kill us we are tired."

Q. Did these prisoners have any clothing, jewels, or money?

A. Yes.

Q. What became of them?

A. Braganza ordered the money and jewels taken away.

Q. What became of these items you speak of?

A. Braganza took them away.

Q. How do you know that?

A. I was present.

Q. Did you see it?

A. I saw him.

Q Do you know the names of any of the prisoners who were killed and robbed?

A. No

Q. Do you know Antonio Plana, Sebastian Nunez, Antonio Bonjo or Manuel Lobo?

A. No.

Q After the prisoners were killed were they buried?

A. No.

Q Did you see any of the bodies after that day?

A. No.

The commission then adjourned to meet tomorrow the 20th instant at 10 o'clock A.M.

Edward Lynch

Captain 23d Infantry,

Judge Advocate.

Queen Crocers, Commissioner Sup. Ct.

July 22nd 1901.

The commission met pursuant to adjournment at 10 A.M.

Present:-

All the members of the commission and the Judge-Advocate.

The accused, his senior counsel, Mr F. Adcock, the interpreters, and the reporter were also present:

Absent:-

Captain J. F. M°Glair, 2nd Battery junior counsel for the defence.

The reading of the proceedings of the previous day was dispensed with.

Mr F. Adcock, senior counsel, presented to the court a written request, the original and translation of which is hereto appended and marked D, in which he asked, in part, for a continuance until Captain J. F. M°Glair, 2nd Battery junior counsel, could be present. The Judge-Advocate stated that he would like the trial to proceed with as little delay as possible, but that he recommended that the request of the counsel for the accused be granted, and that he furthermore believed the request well founded and proper.

The court granted a continuance until Monday July 22nd to the latter part of the counsel's written request; in which he states that the accused had been placed "incommunicado"; and asks the court that he be restored to his original status as a prisoner. The president replied that the commission would consult with the post commander on that matter.

The commission then adjourned to meet Monday July 22. 1901 at 10:00 A.M.

Thos Lynch
Captain 23rd Infantry,
Judge-Advocate.

Pueva Caceres, Camarines Sur, P.I.

July 23rd 1901.

The commission met pursuant to adjournment at 10:30 A.M.

Present:-

All the members of the commission and the Judge-Advocate.

The accused, his counsels, the interpreters, and reporters were also present.

The reading of the proceedings of the previous day was dispensed with.

Leon Ybon, a witness for the prosecution, after being cautioned that he was still under oath continued his testimony as follows:-

Cross-Examination: Questions by the Accused:

Q. What day was it that you left San Fernando?

A. Wednesday.

Captain Mc Blain, 9th Cavalry, junior counsel for the defense, requested that the defense and the prosecution be allowed to mutually agree on the day and date upon which the Spanish prisoners left San Fernando the last time: there being no objection, the accused, his counsels and the judge-advocate mutually agreed that the day upon which the Spanish prisoners left San Fernando the last time, was Thursday, February 22nd 1900. and that the evidence thus far deducted sustained this agreement.

Q. Whom did you say was in charge of the guard over these prisoners when they left San Fernando this day, Thursday, the last time.

A. Tranquilino Venido

Q. And shortly after leaving, you took charge?

A. Yes.

Q. Was corporal Tranquilino Venido with you at the time you took charge?

A. Yes.

69.

Q. What was your rank?

A. Corporal

Q. How is it that you were in charge of the guard?

A. I was going ahead, Corporal Venicio was also in charge; both of us were in charge.

Q. How could both of you be in charge of the guard at the same time?

A. By orders given to the corporal. I was not in charge.

Q. Then you were not in charge at any time!

A. No.

Q. Then why did you say so?

A. Pascua was in charge; the corporal was in charge

Q. Then if you said you were in charge at any time, it was untrue?

The Judge-Advocate objected to this question on the following grounds:-

"that it is leading the witness to admit that he told a lie while testifying under oath. There are other reasons, than that of lying, which cause a witness to contradict himself; it may be a misunderstanding or misinterpretation of the questions. The witness may have been in charge of a part of the guard only, or simply in charge of part of the prisoners; because he contradicted himself, it is not sufficient reason to believe, or cause him to admit, that he lied."

Def. The accused and Judge-Advocate withdrew, and the commission was closed, and upon being opened, the president announced in their presence that the objection was sustained.

Q. Who was Sergeant of Police at San Fernando at that time?

A. Adriano Nuñez.

Q. Do you know why Nuñez did not go with the escort?

A. No.

Q. Is it not a fact that you were a Corporal?

A. Yes.

6a.

Q. What were your orders about the prisoners when you left San Fernando?

A. The orders given to Tranquilino Venicio were to take them to Milaor.

Q. If your orders were to go to Milaor, why did you go to Minalabag?

A. They were sent to Milaor, and they would not receive them and they came back to San Fernando and stayed all night; Next morning Lieutenant Nipolio ordered us to take them to Minalabag under fear of death.

Q. What orders did this Lieutenant Nipolio give you?

A. As we neared the town two soldiers came and told us to send the prisoners direct to Minalabag, not to stop at Milaor.

Q. When you arrived at Minalabag did you report to anybody?

A. The corporal went to find the presidente.

Q. Did he find him?

A. I don't know.

Q. How long did you stay in Minalabag?

A. Not long.

Q. When you left Minalabag did the San Fernando police go along?

A. Yes.

Q. Give the names of these police?

A. Patricio Alimano, Simon Boras, Eucibio Paulo, Bartolome Roe, Simon Diaday, Eugenio Rodor, Leonardo la Cruz and Tranquilino Venicio

Q. You stated that at Minalabag the guard was increased, why was this done?

A. The militiamen from Minalabag joined us.

Q. Without orders?

A. Without written orders.

W.S. Q. Did they receive verbal orders?

A. Yes

Q. From whom?

A. From the corporal in charge.

Q. Why did you remain with the guard when it was marched?

A. Because the corporal said we should follow.

Q. Did you at any time receive orders not to allow the prisoners to fall into the hands of the Americans?

A. Yes.

Q. State them.

A. The orders were given to the corporal to go ahead as the Americans were coming. I did not receive any orders in regard to this.

Upon motion by a member the commission was closed, the accused and the Judge-Advocate withdrawing, and on being opened the President announced, in their presence, as follows:

"The commission decides that as far as possible all questions must be thoroughly understood by the witness before being answered by him."

Captain J. F. McBlain, 9th Cavalry junior counsel for the defense stated as follows:-

Defk. "Mr President; in behalf of the defense, I wish to interpose a challenge and make objection to Major Arthur Williams in order that he may be prohibited from sitting further in this case. I wish him sworn on his voir dire."

Major Arthur Williams, 25th Infantry was duly sworn by the Judge-Advocate, and testified as follows:-

Questions by the accused.

Q. Major, have you not in conversation, outside of this court room, expressed yourself to the effect that you had the accused tied up, and were going to hang him?

WESTCOTT ← RULER

60.

I never made such an assertion.

Mr Hackbusch reminded the accused, and Judge-Advocate then withdrew, and the court was closed, and on being opened the president announced in their presence that the objection of the accused was not sustained.

Major Arthur Williams, 20 Infantry resumed his seat and the trial proceeded.

Q. You say you saw Francisco Braganza at that time; is that correct?

A. Yes.

Q. What was he doing?

A. Giving the orders to go.

Q. How was your attention called to Francisco Braganza?

A. Because he was in command, he was ordering them.

Q. How do you know he was in command?

A. He was Lieutenant of Police and Major of regular forces, and we were under him.

Q. Were there any other officers there at the time?

A. No.

Q. Was there a great many troops there?

A. Yes.

Q. Who was with Francisco Braganza when you saw him?

A. He was by himself.

Q. Had he charge of these regular and militia forces?

A. I don't know

WK Q. Where did you stay in Manalahay?

A. Opposite the Tribunal.

Q. Was the Tribunal then, where it is now?

A. Yes.

Q. Was the Tribunal near the church?

CA

it never was such an assertion.

Mr. Rauchenyse member, the accused, and Judge Advocate then withdrew, and the court was closed, and on being opened the president announced in their presence that the objection of the accused was not sustained.

Major Arthur Williams, Ad Interim resumed his seat and the trial proceeded.

Q. You say you saw Francisco Braganza at that time; is that correct?

A. Yes.

Q. What was he doing?

A. Nigers he orders to go.

Q. How was your attention called to Francisco Braganza?

A. Because he was in command, he was ordering them.

Q. How do you know he was in command?

A. He was Lieutenant of Police and Major of regular forces, and we were under him.

Q. Were there any other officers there at the time?

A. No.

Q. Were there a great many troops there?

A. Yes.

Q. Who was with Francisco Braganza when you saw him?

A. He was by himself.

Q. Had he charge of these regular and militia forces?

A. I don't know

WK Q. Where did you stay in Manaleby?

A. Opposite the Tribunal.

Q. Was the Tribunal then, where it is now?

A. Yes.

Q. Was the Tribunal near the church?

67.

A. Yes.

Q. How do you know that Francisco Braganza gave orders to Tranquilino Panicio?

A. Because he came near us and told us to proceed, as the Americans were coming.

Q. When you left Binalabag where did you go?

A. In front of Baliuag.

Q. What is the name of that place?

A. I don't know, they called it Apreito Baliuag.

Q. Was it between Binalabag and Baliuag?

A. Yes.

Q. How far from Binalabag?

A. It left Binalabag at 3 P.M. and arrived at Baliuag at 6 P.M.

Q. Where is Zupi?

A. It is a city of San Fernando.

Q. When you left Binalabag with the prisoners how many did you have?

A. One hundred and seventy-three.

Q. How did the prisoners march?

A. We strung the with guards on each side.

Q. Did you see Francisco Braganza while marching?

A. Yes.

Q. Was he marching or riding?

A. He was afoot.

Q. How far from you?

A. About ten yards.

Q. Did you at any time from Binalabag to you go through Zupi?

A. No.

Q. You said that Francisco Braganza stayed at Zupi at that time?

A. I did not say so.

Q. If he was at Zupi he could not have been with you then?

A. So.

Q. When did you next see Francisco Braganza?

A. The next morning when we arrived in Baliuag he ordered us to fix the prisoners.

Q. Did you not say that you did not see Francisco Braganza the day after you arrived at Baliuag with the prisoners?

A. I did not say so.

Q. Did you not afterwards say that Francisco Braganza was at Baliuag the night of your arrival?

A. I did not say so.

Q. Where did Braganza stay while at Baliuag?

A. In a house.

Q. Did you not say you did not know where he stayed?

A. I did not say so.

Q. When you moved out from Baliuag to the place where the killing occurred, was Braganza with you?

A. Yes.

Q. Riding or walking?

A. Walking.

Q. How were the prisoners marching?

A. In a line.

Q. Where were you?

A. I was in the middle.

Q. How long was the line?

A. About as far as from the telegraph office to the hospital (indicating a distance of about big kb. hundred or a thousand yards.)

Q. And you could see all that was going on?

A. Yes.

Q. Where was Braganza at this time?

A. He was behind, leading.

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69. Q. Was there any excitement or confusion among the guard when the killing was going on?

A. Yes.

Q. You were hurrying up because the Americans were following?

A. Yes

Q. Were you busy at the time keeping to kill the prisoners?

A. No, the ten I was guarding had escaped.

Q. After those ten escaped, what did you do?

A. Braganza ordered us to go after those who had escaped.

Q. Did you not say you helped to kill those prisoners?

A. No.

Q. You were able to observe every movement made by Braganza at the time?

A. I could not see all his movements, as he was chief and had charge of the whole affair.

Q. Why did Braganza say "Hurry up and kill the prisoners before it gets dark."?

A. It was not because it was getting dark, it was because they had no other place to send them.

Q. Can you give the exact words of Braganza?

A. Braganza said "When you arrive at the spot, start slaughtering the prisoners at the signal of the whistle."

Q. Did you not testify that he said "Hurry up and kill them before it gets dark."?

A. No.

Q. About what time of day was it when you left that place?

A. A little after two o'clock in the afternoon.

Q. Where did you go then?

A. I went to Cuialbo.

Q. Did you go direct to Cuialbo from Balaag?

A. Yes.

Q. You did not go by way of Munalabag?

A. No.

Q. Did you not say you went to Munalabag and arrived there about 2 o'clock?

A. I did not say so.

Q. How far is Imalig from San Fernando?

A. About an hour.

Q. What time did you arrive there?

A. Between the hours of 2 and three o'clock

Q. Did you go through Lupi?

A. I passed close by Lupi.

Q. Who did you see in Lupi?

A. I did not notice.

Q. Did you say you saw about forty Spanish prisoners in Lupi?

A. Yes.

Q. How could you see them if you did not pass through Lupi?

A. I saw them in Lupi.

Q. How could you see them in Lupi if you did not pass through Lupi?

A. I did not see them when I returned, I saw them when I came back, when the sergeant told me to go and fetch those prisoners.

Q. Did you go to San Fernando that day?

A. No.

Q. Did you not say you did go to San Fernando that day?

A. I did not say so.

Q. Did you not say you arrived at San Fernando at 6 o'clock in the afternoon?

A. No, I arrived at Imalig.

Q. Did you go last alone from Bulaing to Imalig?

A. No, Emilio Rubio accompanied me.

Q. Is it not a fact that you stopped at Lupi at that time

A I did not pass through Lupi, but passed close by Lupi.

Q. How close?

A. About fifty yards.

Q. Did you see Adriano Nuñez there?

A. I did not see him when I passed.

Q. Did he not ask you what was the matter and where were the prisoners?

A. Yes.

Q. Then how could he ask you if you did not see him?

A. I saw Adriano Nuñez there when I was ordered there the same day.

Q. Did you see him on your way through?

A. Yes.

Q. How many San Fernando police did you see helping with the prisoners?

A. Six

Q. Do you know their names?

A. Leon Bautista, Gumpilino Venicio, Ernesto Simon Diaday, Marcelo Llamaro, Eufemio Nodor.

Q. Do you remember giving evidence here last Friday?

A. Yes

Q. So you remember saying you did not know the names of the police who participated?

A I did say so.

Q. Why did you say you did not know their names?

A. Because I did not recollect their names the other morning.

Cross-examination by the Prosecution:

Q. Did you see Benjamin on the march from Pandacan to Malacañan?

A. Yes.

Q. Did you see him in Baliuag the night you arrived there?

Q. Did you see him the next morning at Malolos?

A. Yes.

Q. Did you see any Spanish prisoners killed?

A. Yes. Lieut.

Q. Did you see the accused at the time the prisoners were killed?

A. Yes.

Q. Did you personally hear him give any orders at that time?

A. Yes.

Q. What did you hear him say?

A. Where else can we send them, we can kill them right here, and it won't be too late for us to go back.

Q. What orders did he give?

A. He gave verbal orders to kill them right there as they had no where else to send them.

Q. Did he say anything about a signal for the killing to commence?

A. Yes, he said, When I blow a whistle you can commence shooting.

Q. Did you hear the whistle blow?

A. Yes.

The commission then at 12 M. took a recess until 2 o'clock P.M. at which hour the members of the commission, the Judge Advocate, the accused, his senior Counsel, Mr. Francisco Alvarez, the interpreters and the reporter resumed their seats.

Captain J.F.B. Bliss, 9th Cavalry, junior counsel for the defense was absent sick.

Lucio Lima a witness for the prosecution was duly sworn and testified as follows.

WESTCOTT ← AULER

1

Direct Examination: Questions by the Government:

Q. What is your name residence and occupation?

A. Nicolas Abad a resident of San Fernando.

Q. Were you in San Fernando on the 16th day of this month

last year?

A. Yes.

Q. What was your occupation at that time?

A. I was a policeman of San Fernando.

Q. Do you know the accused? If so, state who he is.

A. Yes, Francisco Tagunga.

Q. How long have you known him?

A. Since the Filipino government.

Q. Did you know him at the time you were a policeman of San Fernando?

A. Yes.

Q. What was his occupation at that time, and where did he live?

A. He was a Lieutenant of police of San Fernando.

Q. Do you remember seeing any Spanish prisoners at that time shortly

before the Americans arrived?

A. Yes.

Q. What month was that?

A. It was Wednesday, last year, but I don't remember the month.

Q. Where were the American forces?

A. In Lilmanan.

Q. What day did the prisoners arrive at San Fernando?

A. Wednesday.

Q. What time.

A. About 12 o'clock

Q. How do you know they arrived there at that time?

A. I saw them in the Tribunal when they arrived.

Q. How long did they stay there?

A. After eating their meals, they went to Milaor, they left at 2 o'clock.

[illegible]

[illegible] Did these prisoners return to San Fernando the same day
after having been to Mixcoac?

A. Yes. The same day at 5 in the evening.

Q. Did you notice anything when you said they came back the next
day?

A. Yes. Because the same day they left for Mixcoac, they came back
at 8 o'clock.

Q. Where did they say Wednesday night?

A. At San Fernando.

Q. What did they do the next day?

A. After eating their meals they were ordered back to Mixcoac.

Q. What time did they leave?

A. About seven o'clock in the morning.

Q. Who went with them?

A. The police of San Fernando.

Q. Who was in charge of the party when they started?

A. Leon Bustillos and Tranquilino Gomez.

Q. Where is Leon Gutierrez?

A. I don't know.

Q. Did you see Leon Flores there?

70: A. Yes.

Q. How many guards were there?

A. Thirteen

Q From whom did the corporal receive his orders?

A. Braganza gave the orders at Calle San Fernando.

Q. Did you see him when he gave the orders?

A. Yes.

Q. To whom did he give them?

A. Leon Custodio

Q. What was Leon's rank?

A. He was a corporal.

Q How were the guards armed?

A. With lances and long bolos.

Q. How many prisoners were there?

A One hundred and seventy-three.

Q. How do you know that?

A. Because we counted them in San Fernando.

Q. What was your rank?

A. Private.

Q Did you also belong to the regular Filipino army?

A. No.

Q. Do you recollect exactly where the accused was when he gave the orders at leaving San Fernando

A. He was on the railroad when he handed the corporal written orders.

Q. Was anyone with there?

A No.

Q. Did he receive any orders after the prisoners?

A. I did not see him receive any.

Q Do you recollect the prisoners were after leaving San Fernando on Thursday?

A Yes, we were near the Church at Macabebe on Wednesday.

2nd and they told us to take them to Minalabac as the Americans were coming, and Lieutenant Nipolis threatened to shoot us if we did not take them to Minalabac.

2nd Q. To whom did Lieutenant Nipolis give these orders?

A. To all of us.

Q. Was the accused present at the time the orders were given?

A. No.

Q. Did he leave San Fernando with the prisoners on Thursday?

A. No.

Q. After leaving San Fernando with the prisoners, where did you next see the accused?

A. I saw him in Minalabac.

Q. What time did you arrive in Minalabac on Thursday?

A. About 2 o'clock in the afternoon.

Q. How long after arriving did you see the accused?

A. About 2 hours.

Q. Describe all that happened there?

A. When the prisoners were courting Bragonza the accused ordered them to go, and the guards did not want to go.

Q. Where did he order them to go?

A. First I was at Malatalo, then at Lucan.

Q. How do you know Bragonza gave these orders?

A. Pastor Lim what he had in his hands and he said it was the orders.

Q. Did you see Bragonza give the orders?

A. Yes.

Q. Did you hear him say anything about them when he gave them to Lim?

A. Yes, he said were's the order.

Q. Where did you go from Minalabac?

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A. To Iloilo.

Q. What day was that?

A. Thursday.

Q. Did you see Bragança that Thursday?

A. Yes.

Q. Where?

A. In Iloilo.

Q. Did you see him in Miagao?

A. Yes.

Q. Where did you see Bragança in Miagao?

A. In front of the Tribunal

Q. Do you remember how he was dressed?

A. Yes, he had on insurgents uniform with a red badge and a cap

Q. Did you hear him give any orders in Miagao?

A. No.

Q. Did you start with the prisoners that day?

A. Yes.

Q. How many prisoners were there?

A. One hundred and seventy-six.

Q. Did the same guard continue from Miagao, or was it changed

A. About thirty men, police and militia joined near Miagao.

Q. Did the accused go along with the prisoners?

A. Yes.

Q. How far did he go?

A. All the distance.

Q. Was he riding or walking?

A. Walking.

Q. Was he armed?

A. Yes, with a revolver and a small dagger.

Q. Where did you go that day with the prisoners?

A. To

78.

Q. Where did you stay that night?

A. A little further up from Bacnay.

Q. At that near Bacnay?

A. Yes.

Q. How far?

A. About one mile.

Q. What time did you arrive there?

A. At 12 o'clock.

Q. How could it have been 12 o'clock when you stated you left Binalabag at 2 o'clock

A. It was near 7 o'clock in the evening when we arrived there.

Ans. Q. Why did you say you arrived at 12 o'clock in the day, did you make a mistake?

A. It was not a mistake.

Q. You said awhile ago in your testimony that you arrived at 12 o'clock did you make a mistake, or did the interpreters make a mistake, or did I make a mistake in hearing?

A. The interpreters must have made a mistake, they did not say whether it was below or above Bacnay, that you meant.

Q. Were the prisoners still under guard?

A. Yes.

Q. Who was in charge of the prisoners at that time?

A. Braganza was.

Q. How many prisoners arrived at Baluiag?

A. One hundred and seventy-three.

Q. Did any escape or drop behind on the way from Binalabag to Baluiag?

A. I saw one dead.

Q. How do you know he was dead?

A. He was pierced with spears.

79.

Q. Did you see him when he was pierced with spears?

A. No.

Q. Was he marching in front of you or behind?

A. He was behind.

Q. Why was he killed?

A. Because he was tied.

Q. Did any soldier have a right to kill a prisoner before the meeting

A. I don't know.

Q. Did you hear any order given to kill this man?

A. No.

Q. Who guarded the prisoners at Lanao that night?

A. We the police and Militiamen from Marialao.

Q. Who was in charge of the guard that night?

A. Braganza.

Q. Did you see Braganza in Lanao that night with the prisoners?

A. Yes.

Q. What time during the night?

A. About 7 o'clock.

Q. Where did he stay that night?

A. On the 2d floor of the house.

Q. Whose house?

A. I don't know.

Q. How many times did you see him that night?

A. I only know he was upstairs.

W.H. Q. How do you know he was upstairs?

A. When we arrived, he went up.

Q. Did you see him eat anything that night?

A. Yes.

Q. What was it?

A. Chicken and rice.

Q. Who cooked it?

80.

A. Someone from Mwalabag.

Q. Where did the prisoners slay that night?

A. In front of the house.

Q. What happened next morning?

A. After calling, the prisoners were ordered to be tied.

Q. Who ordered them tied?

A. Bragança

Q. How far were you from Bragança when he gave that order?

A. He was in the window and we were below.

Q. To whom did he give the order?

A. To all of us.

Q. Give the exact words he used if you remember them?

A. "Tie them all, if you don't do it; I will shoot you", and he threatened us with his revolver.

Q. Describe how he threatened you with the revolver?

A. He pulled out his revolver and said "If you don't tie them I will shoot you," and we tied them because we were afraid.

Q. With what were they tied?

A. With rafia.

Q. Describe what occurred after the tying?

A. They were ordered further up from Lwau, and when we arrived there he ordered us to kill them, because he was afraid they would run away.

Q. What place did this occur?

A. Further up from Lwau.

Q. How far from Lwau?

A. About as far as from here to the Native road (indicating a distance of about one mile).

Q. Do you know where Mwalabag is?

A. Yes.

80. Q. Someone from Miniskeag.

Q. Where did the prisoners slay that night?

A. In front of the house.

Q. What happened next morning?

A. After calling, the prisoners were ordered to be tied.

Q. Who ordered them tied?

A. Braganza

Q. How far were you from Braganza when he gave that order?

A. He was in the window and we were below.

Q. To whom did he give the order?

A. To all of us.

Q. Give the exact words he used if you remember them?

A. "Tie them all if you don't do it; I will shoot you", and he threatened us with his revolver.

Q. Describe how he threatened you with the revolver?

A. He pulled out his revolver and said "If you don't tie them I will shoot you," and we tied them because we were afraid.

Q. With what were they tied?

A. With rattan.

Q. Describe what occurred after the tying?

A. They were ordered further up from Kroan, and when we arrived there he ordered us to kill them, because he was afraid they would run away.

Q. What place did this occur?

A. Further up from Kroan.

Q. How far from Kroan?

A. About as far as from here to the Head road (indicating a distance of about one mile).

Q. Do you know where Matinkys is?

A. Yes.

80.

Q. Someone from Manalabag.

Q. Where did the prisoners stay that night?

A. In front of the house.

Q. What happened next morning?

A. After eating, the prisoners were ordered to be tied.

Q. Who ordered them tied?

A. Braganza

Q. How far were you from Braganza when he gave that order?

A. He was in the window and we were below.

Q. To whom did he give the order?

A. To all of us.

Q. Give the exact words he used if you remember them?

A. "Tie them all if you don't do it; I will shoot you", and he threatened us with his revolver.

Q. Describe how he threatened you with the revolver?

A. He pulled out his revolver and said "If you don't tie them I will shoot you," and we tied them because we were afraid.

Q. With what were they tied?

A. With rattan.

Q. Describe what occurred after the tying?

A. They were ordered further up from Imran, and when we arrived there he ordered us to kill them, because he was afraid they would run away.

Q. What place did this occur?

A. Further up from Imran.

Q. How far from Imran?

A. About as far as from here to this Court house (indicating a distance of about one mile).

Q. Do you know where Malinay is?

A. Yes.

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Q. When you left Lucan and went in the direction of Balmay?

A. Yes.

Q. Did you go away from Balmay?

A. Not exactly.

Q. When you arrived at this place about a mile from Lucan, what occurred?

A. The order was given to kill all the prisoners: "If you don't obey me I will kill you, we will kill them here, because we are wasting time and they are escaping."

Q. Who said that?

A. Braganza.

Q. How do you know he said it?

A. I heard it; he shouted it loud.

Q. How close were you to him when he said that?

A. About ten feet.

Q. Describe carefully all you heard him say at that time?

A. "Kill them right here, because they are escaping, and we are tired of it."

Q. Were any of them trying to escape?

A. Yes, lots of them.

Q. What kind of a place was this?

A. It was in the mountains.

Q. How were the prisoners tied?

A. They were tied by the elbows, the elbows being drawn close to the side.

Q. Were they tied to one another or separately?

A. They were tied in pairs.

Q. Were these prisoners tied to anything else when they were killed?

A. No.

Q. Where was this, near a river?

A. Not exactly, it was a canal or ditch.

Q. Will the witness state to commence telling what occurred?

A. After the entrance of Dan Fernandez being on the ground, some were in the house & some were dead.

Q. How many did you see dead?

A. Over ten.

Q. What were they killed with?

A. Guns, bolos and daggers.

Q. Who killed those people?

A. The men from Binalatay

Q. Were the police of San Fernando called all this time?

A. They also helped.

Q. Why did they help?

A. If we did not, for him (indicating the accused) he would have killed us.

Q. How do you know that?

A. Because he said if we did not kill the prisoners he would kill us.

Q. Was he armed at that time?

A. Yes, with a revolver and a small dagger.

Q. How many men did you see attacked and wounded by these men of Binalatay and San Fernando?

A. Over ten.

Q. How long did it take to kill these men?

A. From 12 until 2 o'clock

Q. Were all these prisoners together when the killing commenced?

A. They were scattered.

Q. Were the guards separated with small parties of prisoners to take care of?

A. Yes.

Q. How many prisoners did you have?

Q. Fire

Q. Did the killing begin all at once?

A. Yes.

Q. Was there any prearranged signal for this?

A. I did not hear of any.

Q. Did you hear a whistle blown?

A. No.

Q. How did you know when the killing was to commence?

A. Because we had orders.

Q. How did you know what time to commence?

A. Because we were ordered to kill them as they were escaping.

Q. Who was the first man you saw killed?

A. I did not know any of them.

Q. Describe how the first man was killed?

A. He was killed with a spear.

Q. Did you see any tied to trees?

A. Yes, one.

Q. Where was Braganza when the killing was going on?

A. He was across the stream.

Q. Was he saying or doing anything?

A. He said kill the prisoners.

Q. Did many escape?

A. Yes.

Q. Did you see any of the prisoners after they escaped?

A. No.

Q. Did you hear any orders given about those who had escaped?

A. Yes.

Q. Who gave those orders?

A. Braganza.

Q. What did he say?

A. He said those prisoners who escaped, those I will kill you.

Q. What were you going to do with these prisoners if you had caught them?

A. I would have burned them down.

Q. Did you see Leon Ybon at the Killing?

A. Yes.

Q. How close were you to him during the Killing?

A. About twenty feet.

Q. Did the prisoners say anything just before they were killed?

A. They begged us not to kill them.

Q. Did these prisoners know why they had been tied?

A. I don't know.

Q. Did the militiamen engage in the Killing?

A. Yes

Q. Did you see any of them at that time?

A. Yes.

Q. Who was in command of the soldiers and militiamen at the place where the Killing occurred?

A. Braganza.

Q. Where did you go after it was all over?

A. I went to Talisa.

Q. How far is that from Calumpang?

A. About four hours in the direction of San Fernando.

Q. Did you see Braganza again that day?

A. No, he escaped.

Q. Did you see him next day?

A. No, he was hiding himself.

Q. Did you go to Lupa next day?

A. No.

Q. Do you know the names of any of the Spanish prisoners whom you saw tied?

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55: A. Only one.

Q. Who.

A. Sebastian Nunez

Q. Did you know Antonio Plana, Antonio Conjo or Manuel Lobo?

A. No.

Q. How long had you known Sebastian Nunez?

A. Since they arrived at San Fernando, he could speak Bicol.

Q. Are you sure Sebastian Nunez was dead?

A. Yes.

Q. What became of the dead bodies afterwards?

A. We left them there.

Q. Were they buried?

A. No.

Q. Do you know what became of them?

A. No.

Q. Did you go back to that place any time that day?

A. No.

Q. Out of those who were killed did you see only ten dead?

A. More than ten.

Q. How many more?

A. About fifteen.

Q. Were any of the men who escaped, wounded?

A. Some were.

Q. Did the prisoners have any clothing, money or jewels before they were killed?

A. Yes.

Q. Was the money and jewelry left on them?

A. No.

Q. How do you know that?

A. The Major of Militia got all the clothes and Benavente got the money and jewels.

Q. How do you know that Braganza got all the money and jewels?

A. I was present and saw him taking all the money and jewels.

Q. Who did you see taking all the money and jewels from the prisoners?

A. Some people from Muntalbay the police and militia got the money and put it in front of Braganza.

Q. What did they put it in?

A. In a sack.

Q. Was this before or after the killing?

A. Before.

Q. How many soldiers did they take this money and jewels from?

A. About ten.

Q. Who actually took the money from these men?

A. The militiamen

Q. What made them do it?

A. Because Braganza ordered them to do so.

Q. Did you hear him give the order?

A. Yes, he said, 'Take all their money and jewels'

Q. Did you see anybody take money or valuables from Sebastian Manon?

A. No.

Examination by the commission:

Q. Did you see the accused take any part personally in the killing of the Spanish prisoners?

A. No, he was ordering it.

The commission then at 5:00 P.M. adjourned to meet tomorrow the 23rd instant at 10:10 A.M.

Thos C Lynch

Captain 20th Infantry

Judge-Advocate.

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Prince Lazaro Commission Sun Ref.

July 22nd 1901

The commission met pursuant to adjournment at 10:15 A. M.

Present:

All the members of the commission and the Judge Advocate.

The accused, his counsel, the interpreters, and the reporters were also present.

The reading of the proceedings of the previous day was dispensed with.

Emiterio Pauls, a witness for the prosecution, after being cautioned that he was still under oath, continued his testimony as follows:

Cross-Examination: Questions by the accused.

Q. How far from the Tribunal did those prisoners stop when they arrived at Minalabac from San Fernando on Thursday February 21st?

A. Some were in front of the Tribunal door, and some were at the door.

Q. How many did you see in front of the Tribunal?

A. I should say about thirty.

Q. Where was the accused the day you arrived at Minalabac?

A. He was in front of the Tribunal.

Q. In the place where the thirty prisoners were?

A. Yes.

Q. Did you see Braganza go to the Tribunal?

A. No.

Q. Was the accused in such a place and in such a position that he could be seen by the people in the Tribunal?

A. Yes.

Q. Where was the presidente of Minalabac at that time?

A. In the house.

Q. How is it that you said Lieut. Pearson was near the door of the Tribunal?

A. He was near the door, in front of the door.

Q. According to what you saw there were only prisoners in the tribunal?

A. Only prisoners.

Q. Describe how the prisoners marched from Manalabay to the place below Brown, did they go in a string?

A. They were marching in two and fours and some were lagging behind.

Q. Where were you?

A. I was in the rear.

Q. Where was the accused?

A. He was ahead.

Q. Under whose orders did you go from Manalabay to this place Lucanin? The orders you had were to deliver them at Pilar?

A. Lieutenant Polio ordered us to send them to Manalabay.

Q. To deliver them to whom?

A. He only said to deliver them at Manalabay

Q. Were the prisoners all tied?

A. Yes.

Q. The whole one hundred and seventy-six of them?

A. There were one hundred and Seventy-three tied.

Q. If they were all tied, how is it that you saw one man tied on the march?

A. As he was tired, they tied him to a tree and killed him.

Q. In the place where the prisoners were killed, were there any houses nearby or was it in a field?

A. There were two houses.

Q. Were the prisoners killed near these houses?

A. Further up.

Q. How far.

A. About 25 yards from here to the judge-advocate's house, (indicating a distance of two hundred meters)

Sp.

Q. Was the place where Bragança arrested the movement [illegible] ?

A. No, where we slept. That night neither the place.

Q. How do you know that Bragança was chief, the higher officer ?

A. Because there was nobody who had so high a rank.

Q. Do you know whether the militia had their respective officers or not ?

A. Yes, but Bragança was the leader.

Q. Do you know whether Bragança belonged to the militia or was a major of the regular forces ?

A. He was a major of regular forces.

Q. Do you know whether the regular forces were those armed with rifles ?

A. Yes they were armed with rifles.

Q. Then you believe that he did not [illegible] with the militia ?

A. He did not.

Jm

Q. You stated that after the killing, the prisoners all scattered, and you being under command of Bragança did not want to obey his orders ?

A. We escaped because we did not want to kill anymore, but Bragança ordered us to go after them.

Q. It would have been better for you not to have joined the guard at Muntalabag than to have gone to the place of killing.

A. He had to go, for if we had not, he would have killed us.

Q. Did you not testify yesterday that the presidente helped you with thirty militiamen ?

A. Yes.

Q. How is this possible when the presidente was natal the tribunal ?

A. The presidente ordered the major of militia to give us thirty men for Bragança.

Q. This is not possible as the house of Pedro Arasas is a long way from

40. The Tribunal said he could not have given orders.

A. Yes, it was long ago.

Q. You stated that Braganza and the prisoners were together when you delivered these prisoners.

Ans. A. The presidente ordered the Major of militia to supply Braganza with things now.

Q. Why did you not deliver these prisoners to the presidente instead of taking them to the Tribunal's place where said was deserted.

A. Because the presidente was very busy; he was looking after the supplies for the troops.

Q. These are not sufficient reasons for not delivering them to the presidente, knowing they were said; on the contrary you delivered them to the Tribunal.

A. We did not know that the presidente was not at the Tribunal, - that was the proper place to take them.

Q. Did not you know that the house of the presidente was at the end of the town, and further that you had seen him there, why did you not deliver them to him?

A. Because we had orders to take them to the Tribunal.

Examination by the commission:

Q. What was the name of the major of militia at Manalabay?

A. Inocencio.

Q. Did this major accompany you to the place of killing?

A. Yes.

Q. Who was superior in rank, he or the accused?

A. Braganza was.

Q. Where is this Inocencio now?

A. I don't know.

Q. Did you see him at Oroan, and at the place of killing?

A. Yes.

91. Q. Did you hear him give any orders about the killing?

A. No.

Q. Did he take any part in the killing?

A. Yes, he had a club.

Q. You mentioned in your testimony another major who was present at Cacuaco when the prisoners were killed, what was his name?

A. His name was Bicocolo.

Q. Did you go to Belinay of your own free will?

A. No, I was ordered to go.

Q. Who ordered you?

A. Braganza.

Q. Did Braganza speak to you personally?

A. No, he spoke to all of us.

Q. You heard him tell you?

A. Yes.

Q. How many prisoners were taken from Droan to the palace of Killing?

A. One hundred and seventy-three.

Q. How many escaped being killed?

A. I can't say.

Q. Were there seventy-five?

A. A little over.

Q. Forty?

A. A few more about fifty.

Q. How do you know?

A. Because I saw them, and figured as one fifty must have escaped.

Q. How many prisoners did you see tied to trees?

A. Five.

Q. Did you move around the place of killing?

A. No.

Q. Did you do anything done with the dead bodies?

92.

A. They left them there.

Q. Were they disturbed in anyway after they were dead?

A. No.

Q. Were not the prisoners weak from hardships and the long march?

A. They were tired.

Q. Was it easy for them to escape?

A. Yes.

Q. Could they run fast?

A. Yes.

Q. How many persons were actually engaged in the killing?

A. About thirty militiamen and thirteen policemen.

Q. Were the escaping prisoners pursued?

A. We were ordered to go after them, and we made as if we were following them, and escaped ourselves.

Q. Did you see any dead bodies lying around after the killing?

A. Yes about Ten.

Q. Were they afterwards buried?

A. No.

Q. Was any clothing left on the bodies?

A. Some had clothing others did not.

Q. Were the bodies mutilated in any way?

A Some were wounded with clubs and spears.

Q. Were there any unnecessary wounds after they were killed?

A. No.

Bartolome Flora a witness for the prosecution was duly sworn and testified as follows:-

Direct- Examination: Questions by the Judge-Advocate:

Q. State your name, residence and occupation.

A. Bartolome Flora, a policeman of San Fernando.

Q. Do you remember when the American forces arrived in this vicinity last year?

A. Yes

Q. What was your occupation at that time?

A. Policeman of San. Fernando.

Q. Do you know the accused? If so, state who he is.

A. Yes, Francisco Braganza.

Q Did you know the accused at the time you were a policeman of San Fernando last year?

A. Yes.

Q. How long have you known him?

A. Since he was Lieutenant of police of San Fernando.

Q. Do you remember the date when the American forces arrived here?

A. No, only the year.

Q. What official position did the accused hold at that time in San. Fernando?

A. Lieutenant of Police.

Q. Did he hold any other official position either military or civil?

A. I don't know.

Q. Did you see any Spanish prisoners in San Fernando shortly before the Americans arrived?

A. Yes.

Q. Where?

A. In the Tribunal at San. Fernando.

Q. What day of the week.

A. Wednesday.

Q. What time did they arrive?

A. About 12 o'clock N

Q. Where did they come from?

A. From Pamplona.

Q. How long did they stay in San. Fernando?

A. At 2 o'clock they left for Biloan.

Q. Did you see them again that day?

A. Yes.

Q. Where?

A. I saw them again in San. Fernando about 8 o'clock in the evening.

Q. Where did they stay that night?

A. In the Tribunal at San. Fernando.

Q. Did you see the accused in San Fernando, Wednesday?

A. Yes.

Q. Did he have anything to do with the prisoners?

A. No.

Q. Were you a guard over them while in San. Fernando?

A Yes.

Q. Who did you receive your orders from while guarding the prisoners?

A. Leon Bustodio, who received orders from Braganza.

Q How long did the prisoners stay in San Fernando after arriving at 8 o'clock that night?

A. Until next morning, when Braganza ordered them sent away.

Q. What day was that?

A. Thursday.

Q. Did you see Braganza Thursday morning in San Fernando?

A. Yes.

Q. What orders did you hear him give?

A. I did not hear any, but I saw him give a paper to Leon Bustodio.

Q. What did the prisoners do that morning?

A. They were sent to Milaor.

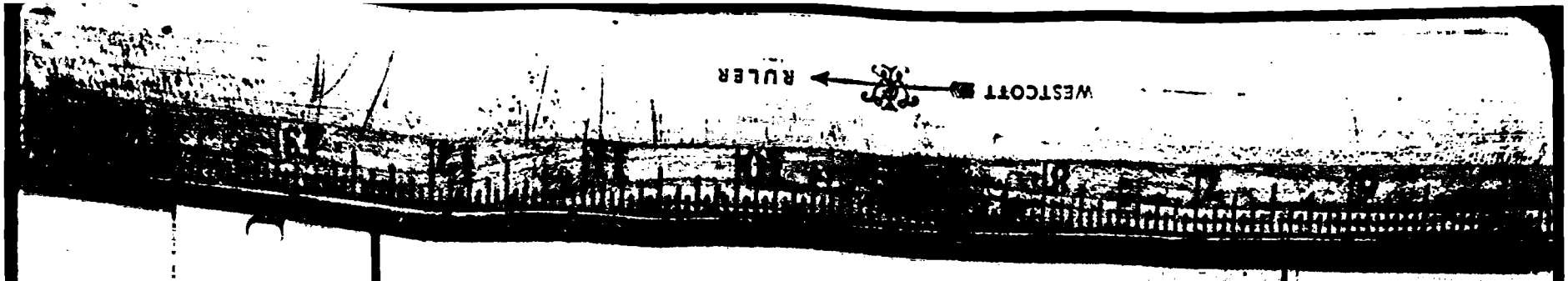
Q. Did you go to Milaor?

A Yes

Q In what capacity?

A. As an escort.

Q. How many prisoners left San. Fernando?



90: A. One hundred and seventy-three.

Q. How do you know there were that many?

A. Braganza counted them.

Q. How do you know Braganza counted them?

A. Because he gave the order to the corporal to count them.

Q. Did you see Braganza when the prisoners were being counted?

A. Yes.

Q. Describe what he was doing?

A. He was on the top floor of the Tribunal.

Q. Who was in charge of the prisoners from San Fernando to Milaor?

A. Lcm. Custodio and Tranquilino Venias.

Q. How many guards were there?

A. Twelve.

Q. Where were they from?

A. San Fernando.

Q. Did the prisoners arrive at Milaor under charge of this guard?

A. Yes.

Q. Did the accused go with them?

A. No.

Q. After you got to Milaor what happened?

Def. A. We met Lieutenant Hipolito and he ordered us to take the prisoners to Minalabag. We went to Minalabag, and in the Tribunal we met Braganza at Minalabag thirty more men joined us, and we all went to a place below there where we stayed that night. Early the next morning after the prisoners had their meals, Braganza ordered us to tie them and after being tied Braganza ordered them counted and then took their money and valuables, and ordered them up to a place further up from there. When we arrived at the place, Braganza ordered us to kill them, because they were escaping. Some of us had conversation to killing them, and the threatened to kill us if we did not obey his orders, then we

96. started the killing. When we finished, the accused seeing that only a few had been killed, ordered us to go after those who had escaped; some went; but I escaped and went to Cabiawan. That is that I have not seen Braganza until this time.

Q. When you arrived in Minalabag with the prisoners did you see the president Pedro Arceas?

A. Yes.

Ord. Q. Where did the prisoners stay in Minalabag?

A. In front of the tribunal.

Q. What were they doing?

A. Preparing their meals.

Q. Did they eat there?

A. Yes when the meal was about ready Braganga ordered them away.

Q. How close were you to Braganga when he gave the order for them to march away.

A. About fourty yards.

Q. Did he assume absolute command of the guards?

A. Yes.

Q. At what time did you arrive at Minalabag?

A. Two o'clock

Q. At what time did you leave there?

A. After 3 o'clock

Q. How were these thirty more men armed?

A. With bolos and clubs.

Ord. Q. On the road from Minalabag. Whom was in charge of the guard and prisoners?

A. Braganga.

Q. Did you see Braganga during the march?

A. Yes.

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Q. Was he riding or walking?

A. Walking.

Q. Was he armed?

A. Yes, he had a revolver.

Q. Did you see him give any orders during the march?

A. No.

Q. Were there any prisoners lagging behind Weid?

A. Yes.

Q. Where were you marching?

A. In the rear

Q. Were any of the prisoners left on the road after leaving Minaberry?

A. Yes

Q. For what reason?

A. They killed him, I don't know why.

Q How do you know that they killed him?

A He had a wound in his left side.

Q. How many did you see that had been killed?

A. One.

Q. Did you see this man while he was being killed?

A. No.

Q. How long was the column of prisoners during the march?

A. They marched four by four and the line extended about three hundred yards.

Q. Do you know who killed the prisoner you saw dead on the road?

A. No.

Q. At what time did you arrive at Sceau.

A. Near 7 o'clock

Q. Did you see Fragano when you arrived there?

A. Yes.

Q How many times did you see him that night?

A Once, he was pointed out.

90. Q. What kind of a place was down, rice field or what?
A. Rice field.
Q. Was it wet or dry?
A. At the place where we were it was very dry and there was a house there.
Q. How many houses?
A. Two.
Q. Do you know who lived in them?
A. No.
Q. Where did the prisoners stay that night?
A. In front of the house
Q. How were they guarded that night?
A. The militiamen were all around them.
Q. What time did the guard have their breakfast next morning?
A. About 8 o'clock
Q. Did you see Braganza that morning?
A. Yes.
Q. What day was it?
A. Friday.
Q. Was he still in charge of the guard and prisoners?
A. Yes.
Q. Did you hear him give any orders that morning?
A. Yes, to tie the prisoners.
Q. What were his exact words?
A. I only heard him say, "tie the prisoners."
Q. How far from him were you when he gave these orders?
A. He was in the window and we were below.
Q. To whom did he give the order?
A. To Corporal Lem.
Q. Did he give any reason for tying the prisoners?

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9.

A. No.

Q. Were the prisoners tied after he gave the order?

A. Yes.

Q. How many?

A. One hundred and seventy-three.

Q. Describe exactly how they were tied?

A. They were tied with their elbows drawn back.

Q. Did they have their clothing and valuables?

A. Yes. they did when tied.

Q. After they left that place that morning, what orders were given?

A. After the prisoners were tied the order was given to start.

The Commission then at 12.00 M. took a recess until 2 PM at which hour the members of the commission, the Judge-Advocate, the accused his senior counsel Mr. Francis Atwood, the interpreters, and the reporter resumed their seats.

Captain J. F. McBlain, Jr. the aby junior counsel for the defense was absent. Bartolome Flores, a witness for the prosecution continued his testimony in Direct-Examination as follows:

Q. At what time on Friday did the prisoners leave Aroan?

A. About 10:00 o'clock.

Q. At what time did the killing commence?

A. About 12:00 o'clock.

Q. At what place?

A. Further up from Aroan.

Q. Did it take two hours to march to that place?

A. Yes.

Q. How far is Aroan from Baluing?

A. About one mile.

Q. In going from Minalabag to Baluing, do you have to cross a river?

A. No.

Q. Is Baluing separated from Minalabag by a stream?

A. Yes.

Q. In going from Manalading to Balinag do you have to cross a stream?

A. Just a canal.

Q. Does that canal separate Balinag from Koan?

A. No, Koan is on this side of Balinag.

Q. Is there a stream of water between Koan and Balinag?

A. I don't know. I have not been to Balinag.

Q. What was the name of the place where these prisoners were killed?

A. I don't know.

Q. Describe what kind of a place it was; was it swampy?

A. It was a valley with a stream running through the middle.

Q. Did you see the first prisoner killed?

A. Yes.

Q. Who killed him?

A. I don't know.

Q. Describe how the guards and prisoners were located when they arrived there?

A. The guards were placed on the sides, and there was an opening in the middle through which the prisoners escaped.

Q. Did you hear any signal for the killing to commence?

A. I heard a whistle.

Q. Who blew it?

A. Bagangai.

Q. How do you know?

A. Because he said, "When I blow the whistle, start killing."

Q. Where did he give you this order?

A. At the place of killing.

Q. How do you know he gave that order?

A. He saw the prisoners trying to escape, and he said "Hurry up, when I blow the whistle start killing, the prisoners are escaping and it is

better for you to take them, we will march a little further, and when you hear the blow of the whistle start killing.

Q. After the whistle blew what happened.

A. We scattered into groups and commenced the killing.

Q. What was Braganza doing while these men were being killed?

A. He was standing with his revolver in his hand.

Q. Did he say anything?

A. I did not hear him say anything.

Q. When these men were killed did they have on their clothing any good valuables?

A. Only their clothes, the money and valuables were taken away.

Q. Who took them away?

A. I saw Braganza take their valuables.

Q. How did he take them?

A. I saw him take them from their pockets.

Q. Did he do it himself or order someone else to do it?

A. He and some people from Munalaba.

Q. How many men were robbed of their money and valuables?

A. There were many.

Q. Were any of the dead naked?

A. I did not see any naked.

Q. How many did you see killed?

A. Over Ten.

Q. Did you see Leon Ybon present at that time?

A. Yes.

Q. How close were you to him?

A. He was on the other side of the valley

Q. How far were you from him?

A. Distance from here to the other street (300 yards)

Q. Did Leon Ybon also have a small party of prisoners?

A. Yes.

101.

Teller for you to tie them, we will marsha tillie further, and when you hear the blow of the whistle start killing.

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A. Yes.

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Q. Did you see Evaristo Pauls?

A. Yes.

Q. Where was he?

A. Near the river

Q. Did he have any prisoners?

A. Yes.

Q. Were any of the prisoners cut or wounded after being killed?

A. I don't know.

Q. What became of the bodies after they were killed?

A. They were left there.

Q. Was any attempt made to bury them?

A. No.

Q. How long did you remain after the killing was over?

A. Scarcely an hour.

Q. How many dead men did you see laid to [illegible]?

A. Two.

Q. With what were these two men killed, [illegible]?

A. Clubs and poles.

Q. Were they all killed?

A. They were [illegible] by Alexis [illegible]

Q. State the exact order of your [illegible]

A. When we [illegible]

When we [illegible]

his company and then [illegible]

Pergentino told us to go [illegible] the [illegible]

arms, they [illegible] and his [illegible]

and I went to Ribaira

Q. Were there any [illegible]

A. I did not see any.

Q. Do you know the names of any of the [illegible]

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Q. Re.

Q. Do you know Antonio Plana?

A. No.

Q. Sebastião Nunez?

Feb. A. Yes, he was a sergeant.

Q. How long had you known him?

A. Since their arrival at San Fernando, he could speak Brid.

Q. Did you see him after he was dead?

A. No.

Q. Did you see him as a prisoner at the place of killing?

A. Yes

Q. Did you see him after?

A. No.

Q. Did you see him escape?

A. No.

Q. Do you know Antonio Borjo or Manuel Lobo.

A. No.

Q. Did you see any of these men above named, robbed.

A. I saw Sebastian Nunez robbed.

Q. Who robbed him?

A. Braganza

Q. What did Braganza take from him?

A. Money

Q. What kind of money?

A. Silver dollars

Q. Did Braganza take it or order someone else to take it?

A. He took it I saw him.

Q. Did you hear the prisoners say anything at the time of killing?

A. They begged us to spare their lives.

Q. Did you see any of the escaped prisoners after that day?

A. No.

Q. How far were you from Bergamo when the soldiers
A. About one hundred yards.
Q. How many prisoners were there?
A. One hundred and seventy.
Q. How many escaped?
A. I don't know.
Q. Did you see them escape?
A. I don't know.
Q. Did you see any escape?
A. No.
Q. Were they all killed?
A. No, only a few; the rest must have
Q. How much country could you see
A. Not much.
Q. Then you don't know that they escaped?
A. No.
Q. Did you see any escaping from your immediate
A. No.
Q. Did you see them altogether at this place?
A. They were scattered.
Q. How many did you see at the time of the killing?
A. I should say about seventy.
Q. What became of the rest?
A. I believe they escaped.
Q. Were they strong or weak at the time?
A. Some were strong, and some were weak and tired.
Q. Were any orders given to kill those prisoners who had escaped
A. Yes.

Q. Do you know of it's being pursued?

A. No.

Q. Do you know of your own knowledge whether it was carried in any way?

A. No.

Petrus Ulimans a witness for the prosecution was duly sworn, and testified as follows.-

Direct-Examination: Questions by the Judge Advocate:

State your name, residence, and occupation.

A. Petrus Ulimans, a laborer of San Fernando.

Q. Do you remember when the American forces arrived on this visiting last year?

A. I remember when they arrived in San Fernando.

Q. What day?

A. Wednesday.

Q. What year?

A. Last year.

Q. What month?

A. I don't remember.

Q. What was your business at that time?

A. A policeman of San Fernando.

Q. Who was your chief at San Fernando in the police department?

A. Francisco Braganza.

Q. Do you know the accused? If so, state who he is.

A. Yes. Francisco Braganza.

Q. Was he your chief at the time you were a policeman of San Fernando?

A. Yes

Q. Did you see any Spanish prisoners in San Fernando at that time?

A. Yes.

Q. Where did they come from?

A. From Pampalona.

Q. What day did they arrive in San Fernando?

Q. Were you at San Fernando?

A. Yes.

Q. How many prisoners were there when they left for Bilbao?

A. I don't know how many.

Q. Were you there?

A. Yes.

Q. Were you with them when they left for Bilbao?

A. Yes.

Q. Who else?

A. Various Indians and others.

Q. Was the accused at San Fernando that day?

A. I did not see him.

Q. From and Sergeant Adriano get his orders from?

A. I don't know.

Q. Where was the accused that day?

A. In the mountains that day, but on the evening when the prisoners came back I saw him.

Q. What time did they come back?

A. At 8 o'clock.

Q. How long did they stay?

A. Until the next day.

Q. What did they do the next day?

A. The next morning Braganza told me to take them to Bilbao, and when we arrived at Bilbao, Lt. Nipolito told us to take them to Puerta Caceres.

Q. How many prisoners left San Fernando that morning for Bilbao?

A. I don't know.

Q. about how many?

A. about one hundred and seventy.

Q. What day was this?

A. Thursday.

Q. Did they come back to San Fernando, Thursday?

A. No.

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[illegible]

[illegible]

[illegible]

Q. At about what time did you hear the shots?

A. About nine o'clock.

Q. Were you awake or asleep?

A. I was awake.

Q. Did you see Lt. Jaranilla that night?

A. I saw him in the kitchen of his house.

Q. Did you see the accused there?

A. No, sir.

Q. Did you see Lt. Bragas that night?

A. I did not see him, but the corporal told me he was in the house.

Q. Where were the prisoners that night?

A. In front of the house.

Q. How were they guarded?

A. The guards were all around them.

Q. The next morning, what occurred?

A. Lt. Bragas gave orders to have the prisoners tied.

Q. To whom did he give these orders?

A. To the two Corporals Leon Custodio and Evangelista Venicia

Q. Did you hear anybody give this Major Bragas any orders?

A. No.

Q. After the order was given to tie the prisoners, what happened?

A. Immediately after the prisoners were tied, they went to the place of killing and when they arrived there, Bragas told the two corporals that at the signal from Bragas, the blow of a whistle,

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Q. Said the Colony, and if they did not obey they would be killed.

Q. Did you see Colonel Dyer when you started from the city of Balmiaco with the prisoners after they were tied?

A. I did not see him, we were all scattered.

Q. Did you see Basilio Rami?

A. I don't know.

Q. Or Bartolomé Bora?

A. No.

Q. Were you separated so far from them that you could not see them?

A. We were at a distance

Q. How were the prisoners guarded?

A. In groups of ten.

Q. How many had you charge of?

A. Ten

Q. When you left the place where you slept all night, did you know what was to be done with the prisoners?

A. [illegible]

A. [illegible]

A. [illegible]

A. [illegible]

A. [illegible]

A. [illegible]

A. [illegible]

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Q. Did you see any men killed?

A. I saw six struck

Q. What were they struck with?

A. Clubs and bows.

Q. Were all the prisoners tied?

A. Yes.

Q. How?

A. With their elbows behind them.

Q. Was any of them tied to trees?

A. I did not see any.

Q. What kind of a place was the where the killing occurred?

A. It was mountainous with water below.

Q. Do you know the names of any who were killed?

A. Only one, Sebastian Runey.

Q. How were the prisoners marching when the killing commenced?

A. In groups of ten.

Q. Where was Fragoza marching?

A. I don't know.

Q. Did you see him?

A. No.

Q. Where was Inocencio Marching?

A. Backwards and forwards.

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Q. Where were you marching?
A. In the rear.

Q. Could you hear the shots distinctly?

A. Yes.

Q. How long did it take before all were killed?

A. About an hour.

Q. Did you see any of them escape?

A. Yes.

Q. How many?

WESTCOTT ← RULER

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A. Yes, sir.

Q. Did any of your men escape?

A. Yes, eight escaped.

Q. When the soldiers, who were killed, fell, did they have their money and clothes on them?

A. They were all dressed, I don't know whether they had their money or not.

Q. Did you see anybody take their money and valuables?

A. Yes, Dragango.

Q. How long had you known Sebastian Nunez?

A. Since we arrived at San Fernando, because he had the statement of all the prisoners, and he was a Sergeant.

Q. Where was he when you last saw him?

A. At the place we stayed that night.

Q. How many did you see dead?

A. Those lying near me.

Q. Were these bodies mutilated in any way after they were killed?

A. I saw some people from Minalabag cutting them to pieces after they were dead.

Q. Did they do this by orders or of their own will?

A. I believe they had orders.

Q. Why do you believe so?

A. Because Inocencio gave the order to the Corporal.

Q. How do you know he did?

A. I saw the order.

Q. What kind of order did you see?

A. Only a paper.

Q. Who had it when you saw it?

A. Leon Bucodio.

Q. How do you know the paper contained an order to mutilate the bodies?

HK.

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Q. Don't know.

Q. Upon coming on examination in that place were the prisoners who were killed or escaped?

A. Some escaped afterwards, the order was given to pursue the prisoners who had escaped.

Q. Who gave that order?

A. Moreno

Q. Where should you be?

A. I escaped to Guadeo

Q. What day was that?

A. Friday.

Q. Did you see Bruyan no again on Friday?

A. Yes.

Q. Where and at what time?

A. At Julili at 9 o'clock

Q. What was he doing?

A. He was in his house with his family.

Q. How long did you stay there?

A. I simply passed through there.

Q. Where did you go?

A. To Guadeo

Q. Describe what you did after leaving Julili?

A. I went to Guadeo, and there met Adriano Ruiz, and we went to San Fernando.

Q. At what time did you arrive at San Fernando?

A. At 6 o'clock.

Q. Did you search for any escaped prisoners that day?

A. I saw seventeen in Lupi the next day.

Q. When did you go to Lupi?

A. Saturday, from an order from my Sergeant, because Bragonza told

him there were Spanish prisoners in Lupi.

Q. What Sergeant?

A. Gaviano Ruivy.

Q. At what time did you arrive in Lupi?

A. Between 6 and 7 in the morning.

Q. Who went with you?

A. Adriano Ruivy, Leon Bautista, Tranquilino Ramirez, [illegible] Serrado, Elpro Blanco, and Faustino Galvez.

Q. Where are these men now?

A. I don't know.

The commission then adjourned to meet at 9 A.M. tomorrow 24th Inst.

D. Wm. Rhoades
Captain 28th Infantry
Judge - Advocate

Pueblo Tayabas, Luzon, P.I.
July 24, 1901.

The commission met, pursuant to adjournment at 9.30 A.M.

Present:

All the members of the commission and the judge-advocate.

The accused, his senior counsel Mr. Francisco Olivares, the interpreter, and the reporter were also present.

Captain J. F. A. Bleck, junior counsel for the defense was absent.

The reading of the proceedings of the previous day was dispensed with. Lazaro Alvarez, a witness for the prosecution, of lawful age, being duly sworn and cautioned that he was still under oath, continued his testimony in direct examination as follows:

Q. On what day did the killing of the Spanish prisoners take place at the sitio near Lalong?

A. Friday.

Q. Where did you go the next morning?

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Q. I went to the woods.

Q. Where?

Q. Magcal

Q. What town is this near?

Q. Lailla.

Q. What day did you go there?

Q. Saturday

Q. Did you go to Lipa on Saturday?

Q. Yes; Adriano Punay went with us.

Q. Where did you meet Adriano Punay?

Q. In Lailla

Q. What time?

Q. About 10 o'clock.

Q. Where did he come from?

Q. He was coming from Lailla.

Q. What did he say to you when you saw him?

Q. He told me that Bragonza had told him that there were Spanish prisoners at Lipa, and we went to Lipa and the prisoners were there after a while Bragonza came to Lipa and ordered us to get them, and then he took their money and ordered them up to the mountains and had them killed, and we came back and met eleven more prisoners who had just arrived. He ordered us to get these prisoners and send them up to the mountains, and these eleven were also killed. Then we came back

Q. How many were in the first party of prisoners you saw?

Q. About twenty.

Q. Where had they come from?

Q. From the mountains.

Q. Who had charge of them?

Q. Bartolinga Lieutenant of Lipa.

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Q. [illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

Q. Who were [illegible]?

A. [illegible]

Q. Who was with you when you arrived at Lupi?

A. Civilians Pontes, Fernando Teixeira, Ramão Linhas and Gregorio Vasconcellos

Q. Where are these men now?

A. At Lupi Chefe

Q. What was the condition of these prisoners?

A. They were weak and thirsty, no wounds.

Q. Who captured them?

A. They came there themselves.

Q. Was Braganza at Lupi when you got there?

A. Yes.

Q. What was he doing?

A. He was waiting for us the police.

Q. Were these prisoners tied when you first saw them?

A. No.

Q. Did Braganza say anything to you when you arrived?

A. He said that these prisoners had escaped from the mountains and it would be better for us to kill them.

Q. When did he say this to?

A. To the police and militia

Q. What militia?

A. They who came from the mountains.

Q. Did you hear Braganza give any positive orders about the prisoners that morning at Lupi?

A. Yes, he said "Kill the prisoners."

Q. Did he mention any particular place for this to happen?

A. Out of sight of the house.

Q. Did they go out of sight?

A. Yes.

Q. How soon did they?

A. About a minute, before we saw the three shots.

Q. Then about how far from Lupi?

A. The first shot was fired at about eleven o'clock.

Q. Then it was that you arrived at Lupi at 10 o'clock, from Trinidad.

A. We left Trinidad at 9 o'clock and arrived at Lupi at 10 o'clock.

Q. How do you recollect?

A. By memory.

Q. How do you remember it's 10 o'clock?

A. By bells ringing.

Q. Suppose you could hear no bells?

A. Know when the time.

Q. Then you are not sure about the time of day?

A. No.

Q. Are you sure that you went to Lupi on Saturday morning?

A. Yes.

Q. Are you sure you left Lupi with some Spanish provisions?

A. Yes.

Q. Who went with them besides yourself?

A. The other men I have mentioned.

Q. How long did you march before you stopped?

A. Started about noon.

Q. Do you know the names of those who were killed?

A. No.

Q. How many can you see killed?

A. About ten.

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Q. Did he mention any particular cause for this state of fear?

A. Sight of dead men in the woods.

Q. Any other cause?

A. No.

Q. Did he mention them?

A. Under a number; as, seven dead men in the woods.

Q. When did you get from Lupi?

A. We left Lupi at 7 and arrived at Tres at 11 o'clock.

Q. How long did that journey take? Lupi at 10 o'clock from Tres.

A. We left Tres at 7 o'clock and arrived at Lupi at 10 o'clock.

Q. How do you recollect?

A. By memory.

Q. How do you remember it's 7 o'clock?

A. By bells ringing.

Q. Suppose you can't hear any bells?

A. Know when the time.

Q. Then you are not sure about the time of day?

A. No.

Q. Are you sure that you went to Lupi on Saturday morning?

A. Yes.

Q. Are you sure you left Lupi with some Spanish prisoners?

A. Yes.

Q. Did you start with them besides yourself?

A. The other men I have mentioned.

Q. How long did you march before you stopped?

A. We stopped about noon.

Q. Do you know the names of any who were killed?

A. No.

Q. How many can you see killed?

A. About ten.

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Q. Is it necessary to say anything more to this witness?

A. Yes, as to the time of the arrest.

Q. Did you see the arrest?

A. Yes.

Q. Is the prisoner Hall?

A. Yes, and another man, whose name I do not know.

Q. Where were you when you first saw them?

A. At the Post Office and arrested them, about 6 o'clock.

Q. Where did you say that you arrested Hall?

A. I said I arrested him at Lupi at 10 o'clock.

Q. How do you recollect?

A. By memory.

Q. How do you remember it was 10 o'clock?

A. By Bell's ringing.

Q. Suppose you could hear no bells?

A. Know when the time.

Q. Then you are not sure about this time of day?

A. No.

Q. Are you sure that you went to Lupi on Saturday morning?

A. Yes.

Q. Are you sure you left Lupi with some Spanish prisoners?

A. Yes.

Q. Who went with them besides yourself?

A. The other men I have mentioned.

Q. How long did you march before you stopped?

A. I marched about 2 hours.

Q. Do you know the names of any who were killed?

A. No.

Q. The names of any you saw killed?

A. I don't know.

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Q. How were they killed?

A. With clubs and bolos.

Q. How close were you to them when they were killed?

A. About ten yards away.

Q. Did Bregania do with them to the place of killing?

A. Yes.

Q. What marks you so certain he was there?

A. We accompanied us from Lupi.

Q. Did you hear him say anything at the place of killing?

A. We said "Kill the Spanish prisoners because they are trying to escape."

Q. What day was this?

A. Saturday.

Q. Who did the killing?

A. The police and militiamen

Q. What was Bregania doing during the killing?

A. "He was standing by giving orders."

Q. Was he armed?

A. He had a revolver and the cartridges still as if would not obey.

Q. How close were you to him when you heard this?

A. About five yards.

Q. Did these prisoners say anything at the time?

A. They begged us to spare their lives.

Q. How many Spanish prisoners left Lupi for that place?

A. About twenty.

Q. How many arrived at the place of killing?

A. Only three, I saw ten dead.

Q. Were any of them hit or killed between Lupi and the place you stopped?

A. No not one was killed.

Q. You knowing this Lupi, and you only saw twenty, what became of

The other one?

A. I don't know.

Q. Were they mutilated after they were dead?

A. I don't know.

Q. Did they still have their clothing on?

A. Some had, others were naked.

Q. What became of the clothing of those who were naked?

A. I don't know.

Q. Did any of the Spanish prisoners have any money or valuables?

A. Yes

Q. What became of them?

A. They were robbed of them.

Q. Who robbed them?

A. Braganza

Q. How do you know?

A. I saw him him walking to and fro.

Q. Did he take these things or did he order someone else to do it?

A. He did it himself.

Q. What did he do with the money and valuables?

A. He had them put in ammunition pouch.

Q. How long did the robbing last?

A. I don't know exactly

Q. Was any attempt made to stop the raid?

A. No.

Q. What was done with the bodies?

A. They left them there.

Q. Did anyone bury the bodies at that time?

A. No.

Q. Have any of the men mentioned

A. Yes to Manuel Ortiz

119. Q. In your testimony a while ago you said you returned to Lupi and there found eleven more prisoners did you accompany this second party to the woods?

A. I did not.

Q. Who did?

A. The other police and militiamen.

Q. Did Braganza return to Lupi after the first lot of prisoners had been killed on Saturday morning?

A. Yes.

Q. Did he say anything on the return trip?

A. No, he was going ahead.

Q. Who commanded that party?

A. Braganza

Q. On the day before Saturday, at Baliuag when the Spanish prisoners were killed, are you sure it was Braganza who commanded the party?

A. I am sure

Q. Then why did you say in your testimony that Inocente Marquez was chief?

A. I forgot Braganza.

Q. Did or did not you make a mistake?

A. I made a mistake.

Q. Did you have plenty of opportunity to know who was the leader or were you so scattered in small parties that you could only hear the orders given by Inocente Marquez?

A. I could hear the orders given by Inocente.

Q. How far is Lupi from Baliuag, walking?

A. We left Baliuag at 7 o'clock and arrived at Lupi at 10 o'clock.

~~Cross-Examination~~ Continuing by the accused.

Q. You said in your testimony yesterday that you did not see Braganza at Manila, nor at Baliuag and that you only heard

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giving orders at Baluiag.

Q. How could have orders, for Bragança was at Baluiag.

A. How can you say this, when you said he was not there?

A. I saw Bragança that night in Baluiag in a house.

Q. Were the other witnesses who have testified in this case present at Lupi at the second Killing?

A. Quirante Ines, Leon and Simon were there, Lucino Pancho was not there.

Q. Did you not hear that Anacleto and the militiamen had the prisoners tied and took all their money and valuables at the first Killing?

A. No.

Q. Then you change your answer.

A. What I now say, I should do is not have the prisoners tied; I was afraid of Bragança.

Q. Do you remember saying that you had ten men under your charge?

A. Yes.

Q. What became of those ten.

A. Some were killed some escaped.

Q. How did you return from the place where the first slaughter was committed?

A. After the Killing was over Bragança and Anacleto gave orders to go after the escaping prisoners, and we managed to escape.

Q. When you received those orders from Bragança did you intend to obey them?

A. No, I intended to escape.

Q. Do you know where Sergeant Adriano went?

A. Yes, he went to Bialba.

Q. What time did you arrive at Bialba?

A. Six o'clock in the afternoon.

Q. What day did you leave Bialba for Malolos?

A. On Saturday.

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Q. What time did you arrive at Magcal?

A. The sun had not risen yet.

Q. How far is Magcal from Cuabo?

A. As far as from here to the creek, (indicating a distance of one mile)

Q. Did you not say you went to Magcal to hide yourself there?

A. No.

Q. Then why did you go there?

A. Because there were no people in the town.

Q. From Magcal you went to San Fernando?

A. Yes.

Q. How far is Magcal from San Fernando?

A. One cigarette.

Q. Where was the sun when you arrived at Magcal?

A. There was no sun yet.

Q. How long did you stay in San Fernando?

A. One cigarette

Q. Why did you go to San Fernando?

A. I went to see about my belongings.

Q. How is it that you did not intend to obey Inocentes or Braganza, but at an indication from Punay you went after the prisoners?

A. Because we were police and Adriano came after us.

Q. Where were the rest of the police to be found?

A. In the mountains.

Q. How long did it take to get them together?

A. Not very long, they all appeared at Lupi.

Q. How long did it take to go from San Fernando to Lupi?

A. About three cigarettes

Q. Where was the sun when they all gathered at Lupi?

A. They joined at Cuabo not at Lupi.

Q. Where was the sun when you all gathered at Cuabo?

A. There was no sun yet.

Q. Why are you so afraid of Braganza?

A. Because he struck me once.

Q. You should not be afraid of him now because he is in prison.

A. And suppose he comes out again?

Q. And for this reason you want to testify against him?

To this question the Judge-Advocate objected as follows:-

"The witness is being encouraged to confess to an unjust and cowardly motive in giving his testimony against the accused, which I do not believe is warranted."

To which the counsel for the accused replied:-

"The witness stated that he was afraid of the accused for the reason that he might come out of prison."

The accused and the Judge-Advocate withdrew and the commission was closed, and on being opened the president announced that the objection was sustained.

Examination by the Commission.

Q. Do you know whether Braganza was at the killing that occurred near Iloilo on Friday?

A. I know he was a little further up.

Q. How do you know that?

A. I saw him.

Q. Did you hear Braganza give any orders?

A. Yes.

Q. What orders?

A. He said "These prisoners are escaping and it is better for us to kill them."

Q. You heard him say that?

A. Yes.

Q. Did you notice any of the actions of Braganza at that time?

A. Yes he was walking and making them hurry up.

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Q. Did he have any arms or weapons in his hands?

A. He had what looked like a revolver.

Q. Like this in his hands?

A. His revolver was.

Q. Did you blow any signal for the killing?

A. Yes, a whistle.

Q. Do you know who blew the whistle?

A. It's Braganza

Q. Where do you live now?

A. We had a whistle.

Q. Did anyone else have a whistle?

A. No.

Q. Are you sure that Inocencio did not blow a whistle?

A. He did not have a whistle.

Q. You said that Inocencio was of higher rank than Braganza, why did you think so?

A. Braganza was the highest in rank, as he was a Lieutenant of Police and Inocencio a sergeant of Militia.

Q. Did you know they were both Commandantes?

A. They were acting as such.

Q. Do you know now which man had the most authority?

A. Braganza was the highest officer.

Q. Did you hear of Braganza giving any orders which Inocencio obeyed?

A. Yes Braganza told him to watch the prisoners properly, and when this order over to the guards.

Q. How long did the killing, which occurred near Ainaro on Friday, last?

A. One hour and a half.

Q. How many men were engaged in the actual killing?

A. About fifty.

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Q. How many Spaniards were killed in that town?

A. I saw that one man was killed for they up, I don't know.

Q. Who were they?

A. Spanish.

Q. And of these five men you have named did he kill three men?

A. I only saw these two were further up.

Q. Then you only know how many were killed?

A. No.

Q. Have you viewed the scene of the killing since the day of killing?

A. No.

Q. Did any of the Spanish prisoners know they were going to be killed before this day that was given?

A. No.

Q. How does it happen that they did not know, when you received your orders?

A. We did not let them know.

Q. Then the orders were given out of hearing of the Spanish prisoners?

A. Yes.

Q. Did you see any of your prisoners escape from Baler on Friday?

A. Yes.

Q. Did Lieut. Gregorio say anything to you about allowing these prisoners to escape?

A. He said "kill them if you catch them, and let me know of it."

Q. Did he scold you?

A. Yes.

Q. Were the prisoners you saw in Lipi some that had escaped from near there?

A. Yes.

Q. How is it that they had their money and valuables on their persons at Lipi?

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A. They had not been searched.

Re-Cross-Examination. Questions by the accused.

Q. Do you remember having said yesterday that you were behind the rest?

A. I was in the rear.

Q. How far?

A. About ten yards.

Q. The last of the column?

A. Yes, I was ten yards behind the last prisoners during the march.

The commission adjourned to meet at 9.30 A.M. tomorrow the 26th inst.

Miles Chynoweth

Captain 25th Infantry.

Judge Advocate.

Fuerte Caceres Tamaulipas Mex. Pl.

July 25. 911

The commission met pursuant to adjournment at 9.30 A.M.

Present:-

All the members of the commission and the Judge Advocate.

The accused, his senior counsel D. Francisco Elguero, the interpreter and the reporter were also present.

Captain J. F. W. Dean, 25th Infantry junior counsel for the defense, was present. The reading of the proceedings of the previous day was dispensed with.

Adriano Portillo a witness for the prosecution was recalled, and after being cautioned that he had been sworn in this case and was still under oath, testified as follows:

Direct Examination. Questions by the Judge Advocate.

Q. Were you under arrest by the accused at the time the Spanish troops arrived in San Fernando in February last year?

A. Yes.

Q. What was you by arrest?

A. Wednesday morning

Q. Was the accused in San Fernando that night?

A. Yes.

Q. Where did you see him in San Fernando that night?

A. On his house.

Q. What did the prisoners do the next morning Thursday?

A. The next morning after eating their breakfast the presidente ordered them to Bulacan, and I gave the order to the two corporals and they went.

Q. Did the presidente give the order to yourself?

A. Yes.

Q. Did you see the accused that Thursday morning?

A. No.

Q. Do you know where he was?

A. No.

Q. Who were the names of the corporals to whom you gave the order?

A. Franquisio Leonicio and Leon Bautista.

Q. Do you know where either of these men are now?

A. Leon Bautista is dead, I don't know where the other is.

Q. What time did the prisoners leave San Fernando that morning?

A. 11.00 o'clock.

Q. How many were there?

A. One hundred and seventy-three.

Q. How do you know there were that many?

A. I counted them.

Q. How many guards went with them?

A. Thirty.

Q. From San Fernando.

A. Yes.

Q. To what organization did these guards belong?

A. To the 1st Nueva Ecijano Militia and eight citizens.

127. Q. Did you see Brayton on Thursday?

A. No.

Q. Did you go with the prisoners from San Fernando to Malaga on Thursday?.

A. No.

Q. Did you start with them?

A. No.

Q. Why not?

A. Was the only one left in the tribunal.

Q. The prisoners left at 11 o'clock, describe exactly where you were the rest of the day?

A. I was in San Fernando the whole day gathering my things together

O.K. Q. Did you know or not whether, or that the accused was in San Fernando on Thursday?

A. No; I don't know.

Q. Where were you Thursday night?

A. In San Fernando

Q. What did you do Friday morning?

A. I went to Grialbo

Q. What time did you leave San Fernando?

A. About 5 o'clock

Q. What time did you arrive at Grialbo?

A. About half an hour after leaving San Fernando

Q. What made you go to Grialbo?

A. I went there to get away from the Americans who were coming

Q. Whom did you see in Grialbo?

A. The Lieutenant of police and a school mistress.

Q. How long did you remain in Grialbo?

A. Two days.

Q. Describe what you did in Grialbo on Friday from the time you arrived until night?

127. Q. Did you see Drayne Thursday?

A. No.

Q. Did you go with the prisoners from San Fernando to Malaver on Thursday?

A. No.

Q. Did you start with them?

A. No.

Q. Why not?

A. I was the only one left in the tribunal.

Q. The prisoners left at 11 o'clock, describe exactly where you were the rest of the day?

A. I was in San Fernando the whole day gathering my things together

Q. Did you know or not whether, or not the accused was in San Fernando on Thursday?

A. No; I don't know.

Q. Where were you Thursday night?

A. In San Fernando

Q. What did you do Friday morning?

A. I went to Grialbo

Q. What time did you leave San Fernando?

A. About 8 o'clock

Q. What time did you arrive at Grialbo?

A. About half an hour after leaving San Fernando.

Q. What made you go to Grialbo?

A. I went there to get away from the Americans who were coming

Q. Whom did you see in Grialbo?

A. The Lieutenant of police and a school mistress.

Q. How long did you remain in Grialbo?

A. Two days.

Q. Describe what you did in Grialbo on Friday from the time you arrived until night?

A. I was doing nothing during the day but Friday night there was gambling.

Q. Did you see any guards in Trialbo on Friday?

A. I did

Q. From did you see?

A. Some militia men from Pamplona.

Q. Who was in command of them?

A. I don't know

Q. Do you know the names of any of the men?

A. No.

Q. How many were there?

A. About thirty

Q. Where did they come from?

A. Ordegen

Q. Did they have any prisoners?

A. No.

Q. How far is Trialbo from Balmaz?

A. You leave Trialbo at 7 o'clock, and arrive at Balmaz at 8 o'clock

Q. Friday night while in Trialbo did you see any police of the Germans there?

A. Yes, Negro Boras, Alberto, Simon, Dayaday, Leonicio Abanon, Doretio Tenar.

Q. Was Leon Ybon there?

A. No.

Q. Did Leon Ybon arrive during Friday?

A. No.

Q. Did you see him the next day?

A. Seen the afternoon

Q. Did you see Patricio Alimano there?

A. No.

Q. Do you know him when you see him?

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A. Yes.

Q. Did you hear any thing on Friday about the Spanish prisoners who left San Fernando on Thursday morning?

A. No.

Q. Where did you stay on Friday night?

A. In the house of the Lieutenant of the Barrio in Guiabo.

Q. Where were you at Sunrise on Saturday morning?

A. In Guiabo

Q. Did you leave Guiabo on Saturday morning.

A. Yes

Q. Describe what time you left Guiabo, where you went and [illegible]

A. About 8 o'clock I received an order from the Lieutenant of the Barrio of Lupi, saying that there were Spanish prisoners at Lupi, and I concentrated my men, and went after them.

Q. Who were your men, and where were they?

A. Lim Hom, Patricio Alimano, Bartolome Nora, and Simon Curas they were in Guiabo.

Q. What time did they get to Guiabo?

A. 8 o'clock Saturday morning.

Q. Did they arrive before you sent for them?

A. No; at Fernando.

Q. Where were they when you sent for them?

A. In the woods.

Q. The last you saw of them was in San Fernando, how did you know they were in the woods?

A. Because the police told me.

Q. What police?

A. Lim Enriquez

Q. Did he tell you anything about the Spanish prisoners?

A. No.

Q. Did he not make an official report, or you think he carried

out the instructions you gave him the day before?

A. No.

Q. What orders did the Lieutenant of the barrio give you on Saturday morning about going to Lipa.

A. He said there were Spanish prisoners in Lipa, and he did not know what to do with them.

Q. Who brought you word that the prisoners were in Lipa?

A. The 2nd Lieutenant of the barrio of Lipa.

Q. What time did you start for Lipa and who went with you?

A. About 8 o'clock, with the police afore mentioned.

Q. What time did you arrive at Lipa?

A. About 10. A.M.

Q. What occurred after you arrived there?

A. When we arrived the prisoners were in the tribunal and shortly after, Braganza came and ordered them tied.

Q. Which Braganza was that?

A. The accused.

Q. How many prisoners were there?

A. About thirty.

Q. Were any of these thirty prisoners, among the prisoners who left San Fernando on Thursday morning?

A. Yes, I knew them by their faces.

Q. What was their condition as to health?

A. They were very tired.

Q. Were any of them wounded?

A. Yes.

Q. Describe their wounds?

A. They had sores and wounds on their feet.

Q. Did you ask them where they had been since you saw them last at San Fernando?

A. They said they came from the mountains near Baliuag.

Q. Did they report to you what they had been doing in Baliuag?

A. They said they had skirmished with bolos and spears.

Q. When Braganza arrived at Lupi what did he do?

A. Ordered the prisoners tied.

Q. For what purpose?

A. He did not say.

Q. Then what occurred?

A. Their money and valuables were taken away by Braganza.

Q. How do you know?

A. I saw them.

Q. Did Braganza take the money himself, or did someone else do it?

A. He took it.

Q. Where did these prisoners have their money and valuables?

A. In their waists and pants.

Q. Was their clothing taken?

A. Yes.

Q. Did they have their clothing on at all times being tied?

A. They had an undershirt on.

Q. Did they say why they had left Baliuag?

A. They said they escaped because they were being killed.

Q. After they were tied at Lupi by Braganza's orders, what happened?

A. After being tied they went to Banoa.

Q. How do you know they went to Banoa?

A. I followed them.

Q. Who was in charge of them?

A. Braganza.

Q. Did he have complete charge?

A. Yes.

Q. Did he give all the orders?

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A. Yes.

Q. Did you receive orders from him?

A. I did not receive any direct orders.

Q. How many guards went with these prisoners?

A. I should say about twenty.

Q. How long did it take to go to Baroa?

A. One hour.

Q. What happened along the road from Lupi to Baroa?

A. Ten prisoners were killed.

Q. How far from Lupi?

A. About half an hour

Q. Why were they killed?

A. Because they were tried.

Q. Who killed them?

A. Militiamen

Q. Who did they kill them?

A. Because they had orders.

Q. How do you know they had orders?

A. I heard them

Q. Did you hear them perfectly?

A. Yes.

Q. What were the orders?

A. To take the prisoners up and have them killed.

Q. Who gave that order?

A. Braganza

Q. Did you see these two killed?

A. No.

Q. How do you know they were killed?

A. Because I inquired from the guards escorting them and they told me so.

WESTCOTT ← BULLER

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Q. How did these prisoners march from Lupi in small parties?

A. In lines of two.

Q. How long a line did they make?

A. About fifty feet.

Q. If they only occupied such a space, how is it you did not see these two men killed?

A. Because the road was not straight, and I could not always see properly.

Q. You said that you saw these two killed?

A. I say I saw them when I passed by them, dead.

Q. What occurred after you reached Banza?

A. When we arrived at Banza, everything was in confusion, the signal a whistle for the killing was given, but some managed to escape.

Q. Who told you the killing was to commence at a whistle?

A. Braganza told us.

Q. When did he tell you?

A. While on the march.

Q. How was Braganza dressed that day?

A. He had a uniform with the rank of major.

Q. Was he armed?

A. Yes, with a revolver

Q. How close were you to him, when he gave the instructions about the signal?

A. About a yard.

Q. Can you recall the exact words he used?

A. Yes, When we arrive at the place, at the signal of a whistle start the killing.

Q. Did you hear the whistle blow?

A. Yes.

Q. Did you see who blew it?

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A. No, but Braganza was the only one who had a whistle.

Q. When the whistle blew, what occurred?

A. The killing began.

Q. Who began the killing?

A. The people.

Q. How were they armed?

A. With spears and bolos.

Q. Did you see any of these prisoners while being killed?

A. No.

Q. How is that?

A. I was hiding myself.

Q. How do you know they were killed?

A. I saw them after death.

Q. How long after.

A. Half an hour.

Q. How long did it take to kill them all after the whistle blew?

A. Half an hour.

Q. How many did you see dead?

A. Ten.

Q. Were these bodies mutilated after they were killed?

A. No.

Q. Did they show signs of having been mutilated?

A. No

Q. How were they killed?

A. They were killed with their clubs drawn back.

Q. How could you escape & hide yourself while this was going on?

A. I was a sergeant; and had soldiers under my command.

Q. Whom was Braganza telling & how did you get the instructions about the whistle & this mode?

A. Telling me.

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Q. Were you know that any prisoners escaped?

A. I asked the police where the rest were, and they said they escaped.

Q. Do you know the names of any prisoners killed and killed?

A. No.

Q. What was done with the bodies?

A. They were left there.

Q. Did you have occasion to go to the church near Lapi, to arrest any Spanish prisoners on Saturday?

A. No.

Q. Are you sure you did not see any of the killing that occurred at Baroa?

A. Yes.

Q. Where did you go after you left Baroa?

A. To Baguaw.

Q. Did you see any more of the Spanish prisoners who had left San Fernando on Thursday?

A. No.

Q. When was the last you saw of Braganza after leaving Baroa?

A. I saw him in the camp of Elias Angeles.

Cross Examination: Questions by the accused:

Q. Do you know whether the accused had ceased to be a Lieutenant of police at San Fernando before the American arrived during the month of January, when he was appointed a Major in the Filipino army?

A. I only saw him in San Fernando with the rank of major.

Q. Do you know whether he had ceased to be a Lieutenant of police during January?

A. I don't know.

Q. Then you believe he was still a Lieutenant of police and a major of regular forces?

A. I don't know.

Q. How do you know he was your chief?

196. A. Because he was ordering all the police, and we were under his order.

Q. Where was the accused from the 2d of February up until the time the americans arrived here?

A. I only saw him once during that month.

Q. Do you know the day?

A. It was Thursday.

Q. Were you under the accused's orders when he was a Lieutenant of police, did you receive your pay from him?

A. Yes.

Q. Is it true that two or three months after the pay was reduced?

A. Yes

Q. Who did you think reduced your pay?

A. I didn't know.

Examination by the commission.

Q. Where was the Lieutenant of police when he gave the information about the prisoners being at Lupi?

A. In Lupi.

Q. Was there any agreement between you and your companions to assemble at any point after the Killinghel-Aroan battle place?

A. No.

Q. How then was it possible for you to assemble so quickly?

A. They were all near.

Q. Why did they assemble at Guiabo?

A. It was closer to San Fernando.

Q. Were these militiamen who escorted the prisoners from San Fernando on Thursday, and from Lupi on Saturday, soldiers or police under the orders of Braganza?

A. Those who left Lupi were under his order, but I don't know about those from San Fernando.

Q. Is it customary among the insurgents to have an official

occupy a police office, and also held a commission in the insurgent forces?

A. It was at customary

Q. Was it possible that the accused could have been a major in the regular forces and at the same time, the Lieutenant of police of Los Llanos?

A. I don't know whether it was possible or not, but at that time with the rank of major.

Q. Could he be a major in the regular forces and command and enforce his orders over the police of the town?

A. Yes.

Q. Did the prisoners at Lipi have any other wounds except those on their feet?

A. I did not see any more

Q. Did these prisoners hear the orders given for the killing at Lipi?

A. Yes.

Q. Did they know they were to be killed?

A. Yes.

The commission at 12:10 P.M. adjourned to meet tomorrow the 26th instant at 2 P.M.

Almy Mac Clynch
Captain 28th Infantry
Judge-Advocate

Casa de Gobierno, Camarines, Jue, P.I.
July 25th 1901.

The commission met pursuant to adjournment at 2 P.M.

Present:

All the members of the commission and the Judge-Advocate.

The accused, his senior counsel Mr Francisco Alvarez, the interpreters and the reporter were also present.

Captain J. F. M.c Glass 2nd Cavalry, junior counsel was absent sick.

WESTCOTT ← RULER

Guadalupe Clemente a witness for the prosecution was duly sworn, and testified as follows:-

Direct Examination: Questions by the Judge Advocate:

Q. State your name, residence and occupation.

A. Guadalupe Clemente; I live in Nueva Caceres.

Q. Do you remember when the Americans arrived in this vicinity last year?

A. Yes; it was the 22d of February last year.

Q. Do you remember where you were on February 20th last year?

A. I was in Libmanan

Q. Did you see any Spanish prisoners in Libmanan on or about that date?

A. Yes.

Q. What were you doing at that time?

A. I was accompanying the prisoners.

Q. Why were you with them?

A. Because Antonio Plana was my lover.

Q. Who was Antonio Plana?

A. One of these prisoners, a casadore.

Q. What were these Spanish prisoners, civilians or soldiers.

A. Soldiers

Q. Do you know the names of any of the others except Antonio Plana?

A. I know Antonio Plana, Sebastian Nunez and Manuel Lobo.

Q. How long did you remain with these prisoners after February 20th

A. About a week.

Q. Did the prisoners leave Libmanan while you were were with them?

A. Yes; we went together.

Q. Where did you go?

A. From Libmanan to Pamplona, from Pamplona to San Fernando From San Fernando to Milaor from Milaor to Nueva Caceres, from

.Dos.

WESTCOTT ← RULER

130. Guadalupe Clemente a witness for the prosecution was duly sworn, and testified as follows:-

Direct Examination: Questions by the Judge-Advocate:-

Q. State your name, residence and occupation.

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Q. Do you remember when the Americans arrived in this vicinity last year?

A. Yes. It was the 22nd of February last year.

Q. Do you remember where you were on February 22nd last year.

A. I was in Libmanan

Q. Did you see any Spanish prisoners in Libmanan on or about that date?

A. Yes.

Q. What were you doing at that time?

A. I was accompanying the prisoners.

Q. Why were you with them?

A. Because Antonio Plana was my lover.

Q. Who was Antonio Plana?

A. One of these prisoners, a casadore.

Q. What were these Spanish prisoners, civilians or soldiers.

A. Soldiers

Q. Do you know the names of any of the others except Antonio Plana?

A. I know Antonio Plana, Sebastian Hungo and Manuel Lobo.

131. Q. How long did you remain with these prisoners after February 22?

A. About a week.

Q. Did the prisoners leave Libmanan while you were were with them?

A. Yes; we went together.

Q. Where did you go?

A. From Libmanan to Pamplona, from Pamplona to San Fernando from San Fernando to Milaor from Milaor to Nueva Caceres, from

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Cuevas Caseros a Bilaar, from Bilaar a San Fernando, from San Fernando a Bilaar, from Bilaar a Dinalahay, from Dinalahay a Calilay.

Q. What day did you leave Limasawa?

A. February 26th Tuesday.

Q. Where did you stop Tuesday night?

A. We were on the march from Limasawa a Bilaar.

Q. Did you stop at Dinahaho?

A. We passed through there.

Q. What day did you arrive at San Fernando?

A. Thursday about 9 o'clock in the afternoon.

Q. Describe each days journey after leaving Limasawa?

A. We received word that the Americans were coming, and we left Limasawa Tuesday afternoon at 2 o'clock, and spent the night marching. We arrived at Pankalan Bolhoon [illegible] in the morning. Early in the morning we left Pankalan and arrived at San Fernando at 9 o'clock in the afternoon. Left San Fernando at 6 o'clock the same afternoon and arrived at Bilaar at 9 o'clock. The next morning we left Bilaar and arrived at Cuevas Caseros at 8 o'clock. Dragana was sent to deliver these prisoners to Capt. [illegible] Engaged carabaos to move them, because the [illegible] were tired. Five of ours were sent with Bilaar where he arrived at 2 o'clock, and from Bilaar they were sent with Capt. of San Fernando arriving [illegible] Prisoners started again to Bilaar, where they arrived at 10 o'clock that night, and from Bilaar they were sent to Dinalahay arriving there 8 o'clock Thursday morning.

Q. On the march from Limasawa [illegible] see the wounded?

A. On San Fernando

Q. Thereabouts?

A. At the Tribunal.

Q. What time?

A. Wednesday, o'clock in the afternoon.

Q. Did you hear him say anything?

A. Yes, he ordered the prisoners sent to Nueva Caceres.

Q. Where did you see him next?

A. He was with us until we got to Daliday.

Q. Where did you see Jang?

A. In Nueva Caceres.

Q. What did Bryanga say to Jang at Nueva Caceres?

A. He wanted to deliver the prisoners to him.

Q. Thereabouts in Nueva Caceres?

A. In front of Mr. Perez's the house.

Q. Are you sure Bryanga was there then?

A. Yes.

Q. How near were you to the prisoners when you saw him at that time?

A. Two meters more or less.

Q. What is your occupation?

A. Tenient Plaza.

Q. What time did you arrive at the city of Daliday?

A. Four o'clock, Thursday morning.

Q. Where did you march on that day?

A. Always to the side of my town, where Lawrence Duran was considered one of the prisoners.

Q. The days which you have mentioned on that day Lieutenant of Infantry do not seem to be very definite from your mind are you sure that the days you mentioned are the days you arrived?

A. I am certain of this case.

Q. Did Lieutenant you have photographs?

A. I always took note of the hour when we we arrived at a place.
Q. How did you know the hour at night for instance?
A. When we arrived at a certain place, we could hear the bells, and therefore knew the time,
Q. Who was in command of the prisoners from Minalabag to the city of Baliuag?
A. Braganza was.
Q. What did the guard consist of?
A. I should say about thirty men.
Q. How were they armed.
A. With bolos, spears, clubs and bows and arrows.
Q. Were all these prisoners Spanish soldiers?
A. All soldiers.
Q. How many were there?
A. I had one hundred and fifty seven on my record.
Q. Were there any other women present beside yourself?
A. Felisa, Ambrosia and Incarnacion.
Q. About what time did you arrive at the city of Baliuag?
A. 4 o'clock Thursday morning.
Q. Was that the same day the prisoners were killed?
A. We arrived at Baliuag 4 o'clock Thursday afternoon.
Q. Why did you say 4 o'clock in the morning?
A. It was a mistake
Q. You stated that you stayed with the prisoners until they were killed, where were they killed?
A. In Baliuag.
Q. On what day?
A. Friday.
Q. What time?
A. Between 10 and 11 o'clock in the morning.
Q. Where did you have your supper the night before?

A. We did not have any.

1442. Q. Do you know the name of the site of Baliuag?

A. Yes.

Q. What is it?

A. A little farther up from Baliuag, within the jurisdiction of Baliuag.

Q. Do you remember very well the night before the prisoners were killed?

A. I do.

Q. Do you remember the afternoon before?

A. I do.

Q. Do you remember the day before?

A. I do.

Adl. Q. What time on the day before, did you go to Baliuag?

A. About Thursday evening.

Q. Was this the same place you slept?

A. Yes.

Q. What day was it?

A. Thursday.

Q. What happened the next day?

A. It was about Friday morning, when Bragança gave the order to have all the money and valuables taken from the prisoners, and also about, Bragança orders to have them tied, and thereafter ordered them all killed, between the hours of ten and eleven, then they were all killed. Bragança then gave orders to get the three women, as they might be of service to the Americans, but they could not catch us.

Q. How do you know that Bragança gave the order to have the clothing and valuables taken away at 9 o'clock?

A. I was there.

Q. How close were you to him?

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143. Q. From here to the corner. (indicating a distance of seventy to one hundred yards)

Q. To whom was he speaking when he gave that order?

A. To his men, the guards.

Q. Do you remember the exact words he used, if so, what were they?

A. He gave orders to have their clothes and valuables taken away, and those who have rings which cannot come off easily, cut their fingers off.

Q. Did this happen at the same place you stayed the night before?

A. The same.

Q. Did you see any money and valuables taken away from the prisoners?

A. Yes.

Q. What became of the money and valuables that were taken away?

A. All the silver was given to the guards, the bills and valuables Braganza kept himself.

Q. Were these prisoners tied when they were robbed?

A. Yes.

Q. Did you see any of these men tied?

A. Yes.

Q. Why were they tied?

A. To prevent their escape.

Q. Who tied them?

A. The police under Braganzas orders.

Q. Did you hear him give the order to tie them?

A. Yes.

Q. How near were you to him then?

A. From here to the steps, (about seventy yards)

Q. Did he say why the prisoners were tied?

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Q. The reason was he meant to kill them.

Q. How do you know he meant to kill them?

A. His actions indicated it.

Q. He was in command at that time?

A. Bragonya.

Q. What was his rank in the Filipino army?

A. Captain.

Q. Did he have on a uniform?

A. Yes, he had a star.

Q. Were there any other officers of the Filipino Army present?

A. Yes; a man whom they called "the Eagle."

Q. Did you see any of those prisoners killed?

A. No.

Q. How do you know that any were killed?

A. We went there

Q. Where did you go?

A. To the place where they were killed.

Q. Were they killed at the same place where they were tied, or further on?

A. At the same place.

Q. What were they tied to?

A. To trees.

Q. Was this the place you stayed the night before?

A. No.

Q. How far from that place?

A. About one hour.

Q. What became of Antonio Plana?

A. He was killed.

Q. Did you see him killed?

A. I saw him dead.

Q. When did you last see him alive?

WESTCOTT ← RULER

A. When Braganza separated the men from the women.
Q. Do you remember the incident of the separation?
A. Yes, Braganza said separate them, he also said he was going to kill the women.
Q. Did you hear Braganza give the order to separate them?
A. Yes.
Q. What did he say?
A. Separate these three women from the men, they are also going to be killed."
Q. Where were you when the killing took place?
A. Was about the distance from here to the corner (seventy to one hundred yards)
Q. How did you know they were being killed?
A. They were shouting.
Q. Who?
A. The prisoners said 'Oh mother.' we are being killed in the hands of the Filipinos."
Q. Did you see Braganza at the time the killing was going on?
A. Yes. he was giving orders.
Q. How do you know?
A. Because he said "Hurry up and kill these prisoners, because we want to get back to San Fernando.
Q. Did you see any of the prisoners escape?
A. Yes, about twenty-five.
Q. How did they manage to escape?
A. The strings were not tight, and they managed to escape.
Q. How were they tied?
A. By the arms and feet.
Q. How could they escape then?
A. One by the name of Garcia managed to loosen himself and he helped the others to escape.

Q. Was any attempt made to recapture them?

A. Yes

Q. Describe all you saw after the men were separated from the women?

A. Immediately after the separation, the killing commenced and afterwards I saw Sebastian Nunez and Antonio Plana with their arms and legs cut off and their bodies tied to trees.

Q. How many did you see dead?

A. Seventy-five more or less.

Q. Did you see any bodies mutilated?

A. I saw one man tied by the arms and legs and his body all cut open.

Q. Where were the guards when you were looking at the dead?

A. All gone.

Q. Did you see Braganza after the killing was over?

A. Yes. but I was quite a distance from him.

Q. Did you hear any signal for the killing to begin?

A. No.

Q. When the prisoners escaped, did they run past you?

A. While they were being killed in one place, they were escaping in another.

Q. What kind of a place was this?

A. It was mountainous.

Q. Did you see Manuel Lobo after he was dead?

A. Yes.

Q. Did you see any of these men killed?

A. No.

Q. Did these dead bodies have clothing on?

A. They were all naked.

Q. How many guards were there at the time?

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A. At first thirty; then Braganza ordered a bugle blown, and more joined about fifty in all.

Q. Why were not you women killed?

A. If it had not been for me they all would have been killed. Ambrosia wanted to stay with her lover, but I told her to go.

Q. Were you left under guard when you were separated?

A. Not exactly; we were sent to the house where Braganza stayed, and he ordered the man not to allow us to escape, & he did. Braganza threatened to kill him.

Q. Do you mean the house at the place where the prisoners slept the night before?

A. Yes.

Q. How far was that house from the scene of the killing?

A. From here to Captain Ely's house, (about four hundred yards).

Q. Did you accompany the prisoners any distance on Friday morning from the place where they slept that night?

A. Yes.

Q. How far?

A. One cigarette.

Q. How long did it take before the killing was over?

A. They started at 10 and finished about 3 o'clock.

Q. Did it take all that time to kill twenty-five men?

A. I only figured about ten, but there must have been more, because they were scattered. They were in a pile.

Q. How long did you remain in the place where you were separated?

A. About one cigarette.

Q. I mean how long did you remain in the place where you were separated?

A. About one hour.

Q. Did you remain there until the killing was over?

A. Yes.

Q. Did the guards go back the same way they came?
A. Yes.
Q. Did they say anything to you on their way back?
A. They did not meet us.
Q. Do you know what became of the dead bodies?
A. They were left there.
Q. Could you tell what weapons they had been killed with?
A. Yes: Bolos, daggers and spears.

~~The accused declined to cross-examine the witness.~~

~~Examination by the Commission:~~

Q. What was the condition of these prisoners when they arrived at Bilibid?
A. They were worn out.
Q. How did they appear next morning?
A. They were tired
Q. What did they have for supper Friday night?
A. They didn't have any supper.
Q. What did they have for breakfast Friday morning?
A. They didn't have any breakfast.
Q. What was the condition of their feet?
A. Bad, they had no shoes.
Q. Were any of them lame?
A. Yes.
Q. Did you see any fingers cut off in order to get rings?
A. Yes: Sebastian Ramos's
Q. Did you see any others?
A. My lover and others
Q. How many others
A. About four.
Q. Were any of these prisoners tied as Jacs before they were killed
A. No.

Jal.

WESTCOTT RULER

149. Q. How many did you see tied & bound after they were killed?
A. Five
Q. What action of Braganza did you notice while the killing was going on?
A. He was watching the whole affair.
Q. Was he armed?
A. Yes with a revolver
Q. What was he doing with it?
A. He saw these prisoners moving and he fired.
Q. Did he fire at the prisoners?
A. Yes.
Q. Did you see any prisoners searched for money and valuables?
A. Yes.
Q. How many were searched?
A. Everybody.
Q. Who caused the search to be made?
A. Braganza
Q. What became of the money and valuables?
A. The silver and coin was given to the guards, the bills and valuables Braganza kept himself.
Q. At what time did you escape?
A. About 5 in the afternoon.
Q. Tell us how you escaped?
A. We went to Bula and from Bula we went to Baco.
Q. Where were you at the time of killing?
A. About fifty yards away.
Q. Were you in such a position that you could see what was being done with the prisoners?
A. Yes.
Q. What was going on?
A. Some were being killed, some tied and others were escaping.

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Q. Could you hear any cries?

A. Yes.

Q. Who was crying?

A. The prisoners.

WL Q. Did you hear the murderers say anything?

A. No.

Q. Did you see anybody actually struck?

A. Only the three shot by Braganza.

Q. What were you doing during the killing?

A. I was sitting down watching the whole affair.

Q. Then did you not see anybody killed?

A. Only the three Braganza shot.

Q You saw these three killed?

A. Yes.

Q. Were any of the prisoners struck on their way to Balinag?

A. Yes.

Q. How many?

A. Six.

Q. Did anybody order these men struck?

A. Yes; Braganza gave the order.

Q. Did you hear him give the order?

A. Yes.

Q. Do you know any of the guards?

A. I know them by their faces, but not by name.

Q. Did you go to the scene of killing after this?

A. No.

Q Did you go back to the scene of killing the same day?

A. Yes.

Q. Who was with you?

A. The two women

137. Q. Any others?

A. No.

Q. What did you find?

A. Dead bodies.

Q. Did you count them?

A. No.

The comission at 6:10 P.M. adjourned to meet tomorrow July 27th at 10:00 A.M.

Allen Hyner

Captain 28th Infantry

Judge-Advocate.

Nueva Caceres, Camarines, Luz, P.I.

July 27th 1901.

The commission met pursuant to adjournment at 10:00 A.M.

Present:

All the members of the commission and the Judge-Advocate.

The accused, his Senior counsel Mr. Francis Abreu, the interpreter, and the reporter were also present.

Captain J.L. McClain 9th Cavalry, junior counsel for the defense was absent with leave.

Lucio Baco a witness for the prosecution was duly sworn and testified as follows:-

Direct-Examination: Questions by the Judge-Advocate.

Q. State your name, residence, and occupation.

A. Lucio Baco, a laborer, of San Fernando.

Q. Do you remember last year when the Americans arrived in this locality?

A. No.

Q. Did you see any Spanish prisoners or soldiers last year?

A. Yes.

Q. Where?

A. In San Fernando.

Q. What was your business at that time?

A. Policeman of San Fernando.

137. Q. Any others?
A. No.
Q. What did you find?
A. Dead bodies.
Q. Did you count them?
A. No.

The commission at 6:18 P.M. adjourned to meet tomorrow July 27th at 10:00 A.M.

Dennis Pyne
Captain 20th Infantry
Judge-Advocate.

Nuevo Caceres, Camarines, Sur P.I.

July 27th 1901.

The commission met pursuant to adjournment at 10:00 A.M.

Present:

All the members of the commission and the Judge-Advocate.
The accused, his Senior counsel - Mr. Ramon Abeleda, the interpreter and the reporter were also present.
Captain J. L. McClain 3rd Cavalry, junior counsel for the defense was absent with leave.
Simon Borias a witness for the prosecution was duly sworn and testified as follows:-

Direct-Examination: Questions by the Judge-Advocate.

Q. State your name, residence, and occupation.
A. Simon Borias, a laborer, of San Fernando.
Q. Do you remember last year when the Americans arrived in this locality?
A. No.
Q. Did you see any Spanish prisoners or soldiers last year?
A. Yes.
Q. Where?
A. In San Fernando.
Q. What was your business at that time?
A. Policeman of San Fernando.

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152. Q. Do you know the accused? Yes, state who he is.
A. Yes, Francisco Breganza.
Q. Did you know the accused last year when you saw the Spanish prisoners?
A. Yes; he was in San Fernando at the time
Q. What was he doing?
A. I don't know as I was on guard.
Q. What official position did he hold?
A. Lieutenant of Police of San Fernando.
Q. Did he hold a military office also?
A. Yes; major of militia.
Q. Did you also belong to the militia?
A. No.
Q. Did you receive your orders from the accused at that time?
A. Breganza was my chief.
Q. During what month did you see the Spanish prisoners?
A. I don't remember the month, it was a Tuesday.
Q. Was that about the time the Americans arrived here?
A. They were coming in at the time.
Q. What were these prisoners doing in San Fernando?
A. They were escorting.
Q. Where did they come from?
A. From Pamplona
Q. Did they stay in San Fernando all that day?
A. Immediately after eating, they went to Milaor.
Q. Did they return to San Fernando that same day?
A. Yes.
Q. Where did they stay that night, Wednesday?
A. In the Tribunal at San Fernando.
Q. How many were there?

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A. Six hundred and seventy-three.

Q. How do you know there were that many?

A. Because Braganza counted them.

Q. Did you see Braganza in San Fernando Wednesday when the prisoners were there?

A. Yes.

Q. Did he give any orders respecting the prisoners?

A. I did not hear him.

Q. Do you remember the next morning Thursday?

A. Yes.

Q. Were the prisoners still in San Fernando next morning?

A. Yes.

Q. How long did they stay there that morning?

A. Until 8 o'clock.

Q. Where did they go then?

A. At 8 o'clock they went to Milaor, when we neared the bridge we met Lieutenant Hipolito and he asked us why we brought the prisoners back to Milaor, and he threatened us about us, and he ordered us to send them to Minalabag.

Q. Who was Hipolito?

A. I don't know.

Q. Why did the prisoners leave San Fernando that morning?

A. I don't know

Q. Did you hear any orders given about their leaving?

A. No.

Q. Did they go under guard?

A. Yes; twelve police of San Fernando.

Q. Who went in charge?

A. Two corporals, Leon Bautista and Tiangsinkia Ernesto.

Q. Did you go as a guard?

A. Yes.

Q. [illegible] you do with the guard?

A. We gave them provisions.

Q. How many men were there?

A. Twelve. Three officers.

Q. How were they armed?

A. With guns, revolvers and swords.

Q. On Thursday last, the 7th January, did you see the accused at any place?

A. I saw them at Maralabag.

Q. What time did you arrive at Maralabag?

A. About 4 in the afternoon.

Q. Did you stay there long?

A. About half a cigarette.

Q. What was Braganza doing in Maralabag when you saw him?

A. When we arrived in Maralabag we met the accused, and he told us it would be better to take these prisoners away as the Americans were coming.

Q. Who was chief in command at Maralabag at that time?

A. Braganza.

Q. Were there any other officers present?

A. Yes.

Q. Were there any militiamen present in Maralabag at the time?

A. Yes.

Q. How many?

A. I don't know.

Q. Did the same guard go from Maralabag to Orion?

A. Yes.

Q. Were any more added?

A. And those from Maralabag.

Q. How many from Maralabag?

156. A. About thirty.

Q. What were they?

A. All militiamen armed with big bolos.

Q. After arriving at Aroan what did you do that night?

A. Braganza gave orders to have the prisoners guarded properly.

Q. Did Braganza accompany the prisoners from Mundalag to Aroan?

A. Yes.

Q. Did you notice him particularly on the road?

A. He was going ahead.

Q. Was he armed?

A. Yes, with a revolver and a dagger.

Q. How many times did you see him that night?

A. 3 times.

Q. What was the condition of the prisoners as to health that night?

A. They were tired.

Q. Did you help to guard the prisoners that night?

A. Yes.

Q. That night was it?

A. Thursday night.

Q. Do you remember the next morning?

A. Yes.

Q. Describe what occurred the next morning?

A. In the morning, Braganza ordered all the prisoners tied, and then to have them all searched for money and valuables. He ordered us to do this and helped do it himself, and he had a revolver in his hand. After the searching was over, we went to the woods, and the order was given to kill, and when the slaughter was over, Braganza walked around the place, and when he saw that only a few had been killed, he made hops after those who had escaped, and the guards went after them.

1356 A. About thirty.

Q. What were they?

A. All militiamen armed with big bolos.

Q. After arriving at Choan what did you do that night?

A. Bragança gave orders to have the prisoners guarded properly

Q. Did Bragança accompany the prisoners from Mundabag to Choan?

A. Yes.

Q. Did you notice him particularly on the road?

A. He was going ahead.

Q. Was he armed?

A. Yes, with a revolver and a dagger.

Q. How many times did you see him that night?

A. 3 times.

Q. What was the condition of the prisoners as to health that night?

A. They were tired.

Q. Did you help to guard the prisoners that night?

A. Yes.

Q. What night was it?

A. Thursday night.

Q. Do you remember the next morning?

A. Yes.

Q. Describe what occurred the next morning?

A. In the morning, Bragança ordered all the prisoners tied, and then to have them all searched for money and valuables. He ordered us to do this and helped do it himself, and he had a revolver in his hand. After the searching was over, we went to the woods, and the order was given to kill, and when the slaughter was over, Bragança walked around the place, and when he saw that only a few had been killed, he made us go after those who had escaped, and the guards went after them.

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but none of them returned. Lawrence further up is Seattle.

Q. How were the prisoners killed at Seaton?

A. By the elbows; also to trees.

Q. How many were there tied to trees?

A. Only saw one.

Q. What became of the money and valuables found on the prisoners?

A. The clothing was left. Bragang a took the rest.

Q. How do you know?

A. I saw him searching, helped by the militiamen.

Q. What did he do with the money etc?

A. I don't know

Q. Did he throw it away?

A. He had a boy who was keeping it.

Q. How far is Seaton from Belusag?

A. From here to the dock 3. (about a mile).

Q. After leaving Seaton on Friday morning how far did you go into the woods?

A. About two hours walk.

Q. What kind of a place was it; where you stopped?

A. It was a valley with a stream running through it's centre; with mountains on both sides.

Q. How do you know Bragang a gave the order to have the prisoners killed?

A. I heard it.

Q. How far away were you when you heard the order?

A. About eighteen feet.

Q. What were the exact words he used?

A "Kill these prisoners because the Americans are coming after them."

Q. How many were there at the time?

167. Q. One hundred and seventy-three.
Q How many escaped or were killed while coming to Tibiao?
A. Nine escaped or were killed.
Q. Who was chief in command at the place where the killing was done?
A. Braganza.
Q. Were any men bound to trees at the place?
A. I saw one.
Q. Do you know the names of any of the prisoners killed?
A. No.
Q. Do you know Antonio Plana, Manuel Lobo, Sebastian Ramos, or Antonio Conjo?
A. No.

168. Q. How were the prisoners killed?
A. With bolos and spears, some were wounded in the head, and in the side.
Q. How many did you see dead?
A. Over ten.
Q. How were these prisoners guarded?
A. In groups of ten.
Q. How many did you have charge of?
A. Ten.
Q. What became of these ten?
A. Some escaped, others were killed by the militiamen.
Q. How many of your ten escaped?
A. I don't know.
Q. Did you see Braganza during the killing?
A. Yes.
Q. What was he doing?
A. Giving orders about the killing.
Q. Did you hear him say any thing during the killing?

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A. Yes, he said "Custom Killing."

Q. Was he armed?

A. Yes, with a revolver.

Q. How do you know?

A. He had it in his hand.

Q. What made these police and militiamen kill these prisoners?

A. Because they were under Braganza's orders

Q. Why did they obey him?

A. Because he was their chief.

Q. Could you not escape?

A. No; Braganza threatened to shoot us if we did not obey his orders.

Q. Were any of the bodies molested after they were killed?

A. They were left there.

Q. Were any of these bodies wounded after they were dead?

A. No.

Q. How long did you remain in that vicinity?

A About an hour.

Q. I mean after the killing was over?

A. About half an hour.

Q. Could you see all the dead lying around?

A. I could only see those near me, which were about ten.

Q. Did these dead men have clothes on?

A Yes.

Q. Was any attempt made to bury them?

A. No.

Q. Do you know of a signal that was given for the killing to commence?

A. I only heard the orders.

Cross-Examination: Questions by the accused:

Q. Being a policeman of San Fernando, do you know whether the accused resigned his position as Lieutenant of police to join the

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regular forces?

A. I don't know.

Q. Did you know he was appointed major of regular forces?

A. Yes.

Q. Don't you know that after having been appointed major he left San Fernando and came to Nueva Caceres to live?

A. No; he was always in San Fernando.

Q. Are you sure he never left the place?

A. I am sure he was always there.

Q. Did you see Braganza at the Tribunal at San Fernando?

A. In front of the Tribunal.

Q. How did you conduct the prisoners from Naga to where you met them?

A. In columns of fours.

Q. Did you march this way all the time?

A. Yes.

Q. Where did you march?

A. In the rear.

Q. Which of the police were near you?

A. The militiamen were near me.

Q. Where did these militiamen come from?

A. From Minalabay.

Q. You say there was nobody in the Tribunal?

A. They were on the street.

Q. Where did you meet them, on the street or in the field?

A. They were on the street.

Q. Who arrived first; you or the militiamen?

A. We arrived first.

Q. Did you ask for help, or did the militiamen join you of their own free will?

DM. A. The president ordered them to help us.

Q. How do you know the president sent them?

A. Because I heard my companions say that Inocencio was gathering the militia.

Examination by the commission:

Q. While searching the prisoners near Aban, did the accused threaten to shoot anyone?

A. I don't know.

Q. Did you hear a whistle blow at any time before the killing?

A. No.

Q. Where did you go immediately after the killing?

A. Further up from Bialbo.

Q. Did you run away from the rest of the guard?

A. Yes. I escaped.

Q. Why?

A. Because we were ordered to go after escaping prisoners, and I escaped myself.

Q. Did you see Inocencio at the place of killing on Friday?

A. Yes.

Q. What was he doing?

A. He was striking with a bolo.

Q. Was he giving orders?

A. Yes.

Q. Was he giving orders to the accused, or was he under the orders of the accused?

A. We received orders from the accused.

Incarnacion Capellian, a witness for the prosecution, was duly sworn and testified as follows:-

W.F. Direct Examination. Questions by the Judge Advocate.

Q. State your name and residence.

A. Incarnacion Capellian, of Sinura Tacores.

Q. Do you know the accused? If so, state who he is.

A. Yes; Francisco Braganza

Q. When did you first see the insurgents arrived in this province?

A. Once in Libmanan.

Q. What was their [illegible]?

A. Insurgent commander.

Q. Did you see Spanish prisoners in Libmanan at that time?

A. Yes.

Q. What were they doing?

A. They were prisoners of the Filipinos.

Q. Were you a prisoner?

A. No.

Q. Were you living with these prisoners?

A. Yes.

Q. In what capacity?

A. I was with my lover.

Q. What was his name?

A. Manuel Lobo.

Q. How long did you stay in Libmanan?

A. About three weeks.

Q. How long did you stay with the prisoners?

A. About three weeks.

Q. What made you leave them?

A. Because my lover was killed in Baliuag.

Q. Were you at Baliuag when he was killed?

A. Yes.

Q. How did you go from Libmanan to Baliuag?

A. From Libmanan we went to Pamplona from Pamplona to San Fernando, from San Fernando to Minalabag, from Minalabag to Baliuag.

Q. On what day of the week did you leave Libmanan?

A. Tuesday afternoon, arriving at Baliuag about 10 o'clock on Friday afternoon.

Q. [illegible] Libmanan?

A. Yes

Q. [illegible]

A. Between 2 and 3 o'clock

Q. Were there any others killed at the same time?

A. Yes

Q. How many prisoners left Libmanan?

A. About Nine

Q. Did you travel all the way from Libmanan to Baliuag with the prisoners?

A. Yes, I never separated from them.

Q. Did you see the accused Paraganza Manglinie, during the march from Libmanan to Baliuag?

A. I saw him first at Guallo

Q. What was he doing?

A. He was crying.

Q. What day was that?

A. Thursday.

Q. Did you see the accused in Pinalabag?

A. Yes.

Q. What day?

A. Friday.

Q. Did you go to Baliuag?

A. Yes.

Q. Were you present when the prisoners were killed?

A. Yes

Q. Tell all you know about it?

A. When we arrived I saw three dead, when we arrived in Baliuag, Lieut. Nono told me that they had finished the others and he showed me a bolo and said "This is the very bolo

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163. have stabbed the prisoners with." Then we went to Bulah

Q. Did you see any of the prisoners killed?

A. No.

Q. Did you see any struck?

A. Yes, with clubs and spears.

Q. Did they fall down after being struck?

A. Yes.

Q. Did they get up again?

A. No.

Q. Why?

A. They were dead.

Q. How many did you see dead?

A. Three.

Q. Who killed them?

A. I don't know.

Q. Who was doing the striking?

A. The guards.

Q. How close were you to them when you saw them striking the prisoners?

A. As far as from here to the schoolhouse (about two hundred yards)

Q. What made the guards kill the prisoners?

A. Because the Americans were coming.

Q. Who said so?

A. Captain Legalo [illegible]

Q. Was he in Balud?

A. No.

Q. What made the guards kill the prisoners in Balud?

A. [illegible]

Q. [illegible]

Q. [illegible]

Q. A Sergeant, I don't know his name.

Q. Who was in Command at Baluag when the prisoners were killed?

A. I don't know.

Q. Did you see Braganza at Baluag?

A. Yes.

Q. What was he doing?

A. Only saw him there

Q. Did you hear him say anything?

A. No.

Q. Do you know the names of any of the prisoners killed at Baluag?

A. Some of them

Q. Give their names.

A. Antonio Plana, Sebastian Nunez, Manuel Lobo, and Antonio Conjo.

Q. Do you know why these prisoners were killed?

A. Braganza ordered them killed because the Americans were in Nueva Caceres.

Q. How do you know he ordered them?

A. I heard him.

Q. What did he say?

A" Have all the prisoners killed, because the Americans are coming & kill them."

Q. Since these were you to them, what he said that?

A From here to the school (about two hundred yards)

Q. Could you see the [illegible]

A. Yes.

Q. Did the prisoners have [illegible]

A. They had before, they were killed.

Q. What became of them?

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A. A Sergeant, I don't know his name.

Q. Who was in Command at Baliuag when the prisoners were killed?

A. I don't know.

Q. Did you see Braganza at Baliuag?

A. Yes.

Q. What was he doing?

A. I only saw him there

Q. Did you hear him say anything?

A. No.

Q. Do you know the names of any of the prisoners killed at Baliuag?

A. Some of them

Q. Give their names.

A. Antonio Plana, Sebastian Nunez, Manuel Lobo, and Antonio Lonjo.

Q. Do you know why these prisoners were killed?

A. Braganza ordered them killed because the Americans were in Nueva Caceres.

Q. How do you know he ordered them?

A. I heard him.

Q. What did he say?

A. He said the prisoners killed, because the Americans are coming after them.

Q. Were there were you & him, when he said that?

A. From here to the school (about two hundred yards)

Q. Could you see him when he said that?

A. Yes.

Q. Are the prisoners here that you saw?

A. Yes and besides, I saw them.

Q. What became of them?

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Q. The money and jewels were given to the police?

Q. Were you in good health at the present time?

A. Yes.

Q. What was Braganza doing, at the time the prisoners were killed at Baluag?

A. Giving orders.

Q. How long did it take to kill all the prisoners?

A. About an hour.

Q. How long did you stay there after they were dead?

A. All night.

Q. What became of the bodies?

A. They were left there.

Q. Did you see them the next day?

A. Yes.

Q. How many did you see?

A. Between ten and one hundred.

Q. Did they show signs of having been molested by animals?

A. Yes.

Q. How do you know?

A. When we passed by on our way to Bula, we saw lots of dogs eating the dead bodies.

Cross-Examination: Questions by the accused:

Q. Describe this place.

A. It was on the other side of Baluag, on the right-hand side as you go from the Biaci river

Q. When you left for Bula did you start from the other side?

A. From the other side.

Q. Did you cross the river?

A. Yes.

Q. How did you see the dead bodies then?

A. When we passed we saw the bodies.

Q. The money and jewels were given to the police?

Q. Were you in good health at the present time?

A. Yes.

Q. What was Braganza doing, at the time the prisoners were killed at Balwag?

A. Giving orders.

Q. How long did it take to kill all the prisoners?

A. About an hour.

Q. How long did you stay there after they were dead?

A. All night.

Q. What became of the bodies?

A. They were left there.

Q. Did you see them the next day?

A. Yes.

Q. How many did you see?

A. Between ten and one hundred.

Q. Did they show signs of having been molested by animals?

A. Yes.

Q. How do you know?

A. When we passed by on our way to Bula, we saw lots of dogs eating the dead bodies.

Cross-Examination: Questions by the accused:

Q. Describe this place.

A. It was on the other side of Balwag, on the right-hand side as you go from the Biri river

Q. When you left for Bula did you start from the other side?

A. From the other side.

Q. Did you cross the river?

A. Yes.

Q. How did you see the dead bodies then?

A. When we passed we saw the bodies.

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Q. How far is it from the place of Pitias to the river?

A. From here to the Cerfaluche (Chapel) a distance of four hundred yards.

Q. Did you see the dead when you saw them that distance?

A. Yes.

No.

Q. When you go to Cuia, do you further away from the river?

A. We passed near the river.

Q. Now you say you did not cross the river.

A. We did not cross the river.

Examination by the commission.

Q. Do you swear that you saw bodies of dead men where you passed on Saturday?

A. Yes.

Q. Did you see more than one such body?

A. Yes; about twenty.

Q. Did you see the dogs near these bodies?

A. Yes.

Q. Do you swear to this?

A. Yes, because it is the truth.

The commission adjourned at 12.30. to meet on Monday the 29th inst: at 10. A.M.

D MacLynch
Captain 29th Infantry
Judge-Advocate

Nueva Caceres, Camarines Sur, P.I.

July 29th 1901.

The commission met pursuant to adjournment at 10. A.M.

Present:

All the members of the commission and the Judge-Advocate.

The accused, his Senior counsel Mr. Francisco Alvarez, the

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The interpreters, and reporter were also present.

Captain J. F. Mc Blain, 9th Cavalry Junior counsel for the defence was absent sick.

Cumbrosia Ecclarde, a witness for the prosecution was duly sworn, and testified as follows: Direct Examination: Questions by the Judge Advocate

Q. Tell your name & residence.

A. Cumbrosia Ecclarde, Nueva Caceres.

Q. Do you remember last year when the Americans came into this province?

A. Yes

Q. When?

A. They came to Lukuanan February 20th Tuesday

Q. What were you doing then?

A. I was with my lover who was a Spanish prisoner.

Q. Where was?

A. In Lukuanan.

Q. What was your lovers name?

A. Teburcio Castro.

Q. What was he doing in Lukuanan?

A. He came from Pury.

Q. Do you know if a guard of the Hall of Tres

A. Yes, Lukuanan Province

Q. What were those Spanish troops doing?

A. They were marching orders from the Filipino government

Q. What kind of arrangements were they?

A. Cadores Filipinos

Q. [illegible] the arrangements which Filipinos [illegible]?

A. [illegible]

Q. [illegible]

A. [illegible]

16.

Q. When did they leave Libmanan?

A. On the 2d of February

Q. Did you go with them?

A. Yes all the way.

Q. Where did you go?

A. To Membolo, then to Pamplona.

Q. How long did you stay with these prisoners?

A. Until Friday when they were killed.

Q. Where were they killed?

A. A little further up from Baliuag.

Q. Were you with these prisoners all the way from Libmanan to Baliuag?

A. Yes.

Q. During the trip from Libmanan, did you see the accused at any place?

A. No.

Q. Where was the first place you saw him after leaving Libmanan?

A. I did not see him.

Q. Did you see him at Baliuag?

A. No.

Q. What day did you arrive at Baliuag?

A. Friday

Q. What time?

A. About 4 o'clock in the morning.

Q. Did you arrive there with the prisoners?

A. No

Q. Where did you leave the prisoners?

A. At the Cabeza

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Q. When did they leave Libmanan?

A. On the 2d of February

Q. Did you go with them?

A. Yes all the way.

Q. Where did you go?

A. To Mambolo, then to Pamplona.

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A. I did not see him.

Q. Did you see him at Baliuag?

A. No.

Q. What day did you arrive at Baliuag?

A. Friday

Q. What time?

A. About 4 o'clock in the morning.

Q. Did you arrive there with the prisoners?

A. No

Q. Where did you leave the prisoners?

A. At Tai[illegible]

A. I was sick.

Q. When you arrived at Baliuag Friday, what were the prisoners doing?

A. Some were dead, and some were escaping

Q. Were you there during the killing?

A. Yes.

Q. Did you see any of the prisoners killed?

A. No.

Q. Did you see any body strike them?

A. Yes.

Q. Who struck them?

A. The people.

Q. Were they guards.

A. I don't know, they were armed with bolos.

Q. Did you see any prisoners escape.

A. Yes.

Q. Describe what you saw when you arrived at Baliuag?

A. When I arrived at Baliuag I saw some prisoners kneeling and others escaping, pursued by armed men, and others were lying dead: my lover was dead. When I saw this horrible sight Señorita and Guadelupe took me home.

Q. Who was in charge of the prisoners at Baliuag?

A. I don't know.

Q. Are you sure Sebastian Nuñez was among the prisoners who left Lubao?

A. Yes.

Q. When was the last you saw of him alive?

A. Thursday 22nd of February.

Q. Whereabouts?

A. San Gabriel.

Q. Did he leave you there?

Q. ... No.

Q. Were you in Balung?

A. I was in Balung on San Gabriel.

Q. Were you there on the 19th of February?

A. I was in Balung dead

Q. Were you there when Gabriel was killed?

A. I was not there when killed, but they say he was killed with spears clubs and bolos

Q. Were you there any wounds on the body?

A. The wounds made by spears.

Q. Where were you when he was killed?

A. Opposite Balung across the river.

Q. Who was arrested at Balung who was with you?

A. Encarnacion, Candonia and a man.

Q. Were there two women stay with you at San Gabriel?

A. Gaddinpe went a head.

Q. When you arrived at Balung what was the first thing that called your attention to the killing of the prisoners?

A. Some prisoners escaping surrounded by armed men.

Q. Did these prisoners finally escape?

A. Yes.

Q. Were they rescued at that place on Friday?

A. No.

Q. Did you hear the word

A. No

Q. Did you not tell me before that you had seen him at Balung?

A. I did not say so, what I said say was that the people there said it was Braganza ordering the killing.

Q. Did you not tell me that you heard a whistle or trumpet sound?

A. No.

WESTCOTT ... ULER

a. No

Q. Before this Shooting

A. Before this Shooting I had Firearms.

Q. Have you ever met the Tobacman Kidnapers?

A. At Balinag Road

Q. Were they the same soldiers?

A. What we saw was killed, but they were also killed with spears sticks and bolos

Q. Did they have any wounds on the body?

A. Yes wounds made by spears.

Q. Where were you at that?

A. Opposite Balinag across the river.

Q. When you arrived at Balinag who was with you?

A. Encarnacion, Concordia and a man.

Q. Did these two women stay with you at San Gabriel?

A. Gladiola went ahead.

Q. When you arrived at Balinag what was the first thing that called your attention to the killing of the prisoners?

A. Some prisoners escaping, pursued by armed men.

Q. Did these prisoners finally escape?

A. Yes.

Q. Did the accused at this place on Friday?

A. No.

Q. Did you hear the shots

A. No

Q. Did you not tell me before that you had seen him at Balinag?

A. I did not say so. What I said was that the people there said it was Braganza ordering the killing.

Q. Did you not tell me that you heard a whistle or trumpet sound?

A. No.

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Q. Were you sick when you got to Belmiq?

A. Yes; with fever.

Q. Who was taking care of you there?

A. Incarnacion, Guadelupe, and a boy.

Q. What did Guadelupe say when you arrived?

A. She said that the prisoners were all dead.

Q. Did you hear the Spanish prisoners make any noise while they were being killed?

A. No.

Q. How alone were you to the place where they were killed?

A. I was alone and I fainted.

Q. How long did the killing continue after you arrived?

A. The killing was over when I arrived.

Q. How many prisoners did you see escape?

A. Three

Q. Did they get away?

A. I don't know.

Q. Has anyone held any conversation with you recently about this case?

A. No

Q. How long did you remain at the place of the killing?

A. Until Saturday

Q. In whose house?

A. Telesia's

Q. Did she know that the Spanish prisoners had been killed?

A. Yes. she informed me of what had occurred.

Q. Were any of her family engaged in the killing?

A. I don't know.

Q. What was Guadelupe doing when you arrived at the place?

A. She showed me the dead.

Q. Did you see the guerdo return after the killing?

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A. I saw armed people but dont know whether they were guards or not.

Q. Did you see the deceased at any time after leaving Libmanan?

A. No.

Q. What time did you leave that place Tuesday?

A. 7 o'clock in the morning.

Q. Did you see any dead bodies that day?

A. No.

Q. Did you see any Friday after the killing was over?

A. Yes

Q. Did you examine them?

A. No.

Q. Did you know any of the dead by name?

A. One was my lover and another was Manuel Lobo.

Q. Did they have their clothing on?

A. Only their underclothes.

Q. Did they have any money or valuables on them?

A. When my lover left Libmanan he had fifty pesos and lots of clothes, but it was all gone.

Q. Did those bodies show signs of having been mutilated?

A. I saw one with a hand cut off and my lover's head was smashed in

Q. Did you see any dead in town?

A. No.

Q. Were there any women's clothes about the place?

A. Could not say.

Q. Did you see any women at the restaurant?

A. The night we heard the shots shooting, the next morning no one

Q. Did you see the husband and wife there?

A Yes, Paro is her husband and Antonio her son.
Q. Did you see these two men the night you slayed in Balmag?
A. Yes.
Q. Did they say they had taken part in the Killing?
A. No.
Q. Were they soldiers?
A. I don't know.

Cross-Examination: Questions by the accused.

Q. Did the two women stay with you at San Gabriel?
A. Yes until Thursday evening.
Q. When they left you on Thursday did you follow them?
A Yes.
Q. How far?
A. About twenty metres.

Examination by the commission:

Q. Where have you known the accused?
A. Have known him for five years.
Q. Did you see him shortly after or before the Killing took place?
A. No.
Q. How many prisoners did you see struck?
A. I did not see any struck, I only saw three run away.
Q. Was any body giving orders at the time?
A. I don't know.
Q. Have you visited the scene of the Killing since that day?
A. No.
Q. While on the grounds the day after the Killing did you notice any signs of the bodies having been molested by animals?
A. No.

1st. Q. Do you know anything about the way in which the forces were raised

A. No.

Antonio Caravezo, witness for the prosecution, was duly sworn and testified as follows.-

Direct-Examination: Questions by the judge-advocate.

Q. State your name, residence, and occupation.

A. Antonio Caravezo, druggist, of Nueva Caceres.

Q. Do you remember when the Americans came into this province?

A. They arrived in Calabanga on the 22nd of February last year.

Q. Where were you at the time?

A. In Nueva Caceres.

Q. What were you doing?

A. I was in my house.

Q. Did you remain in town when the Americans came in?

A. No.

Q. Where did you go?

A. I went to Minalabag on the 21st

Q. What day?

A. Monday or Tuesday.

Q. What did you do in Minalabag?

A. I was sent there as a druggist, being appointed.

Q. Who appointed you?

A. General Guevara.

Q. Did you stay in Nueva Caceres until the Americans arrived there?

"W" A. I stayed until Thursday morning

Q. Describe what you did the next two or three days?

A. I left Minalabag and went to a vitio called Pagoanon where I stayed until the 25th. Three Spanish prisoners appeared

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there laid by their arms and they were wounded, Mr Luchan gave orders to all the Lieutenants of Barrios to go all over the mountains and collect all the Spanish prisoners and bring them to this town, and fifty seven of them were brought in, most of whom were worn out and half starved. This same day, the 26th I saw the accused, and we told him as he was a major of the regular forces, he could give orders to his subordinates to bring the prisoners in and he said he would, but I have not seen him since. The next day, the 26th we went to Baluag with the prisoners, where we stayed until the 28th. On the evening of the 28th we arrived in Nueva Ecija. All the people of Baluag said that Bragana with fifty men were looking for us, but this is hearsay and I don't know whether it is true or not.

Q. How did Luchan know there were prisoners in the mountains?

A. The three told us so, they told us there were one hundred and seventy-six, that they left Libmanan conducted by the militiamen from town to town. Pamplona, Pili, Iriga, San Fernando, and Minalabag and from Minalabag they were sent to the mountains and that everything they had was stolen, but these fifty seven managed to escape. As they were being killed, they managed to untie themselves and they reached Pagsanjan.

Q. What office did Luchan hold?

A. He was representative of the province, he was also appointed doctor by the Insurrecto government.

Q. Did you give these fifty-seven prisoners any medical attendance?

A. Yes.

Q. What has they been wounded with?

A. Bolos, spears and clubs.

Q. Did any of them die?

A. While we were present none died.

Q. Did they say they had escaped from the place where they had been wounded?

A. Yes.

Q. Did they have any clothing on?

A. Some of them were naked.

Q. Did they have any money or valuables?

A. No.

Q. Do you know the accused? (Pro, state in the ci.

A. Yes; Francisco Veraganza.

Q. Is he the man you met on the road?

A. Yes.

Q. What day did you meet him?

A. Sunday

Q. Who was with you?

A. Lucban.

Q. Who else?

A. A brother of mine

Q. Only three?

A. Five altogether

Q. Did you know any of the escaped prisoners?

A. Yes, three of them.

Q. What did the accused say when he met you?

A. He recognized me and another the escaped prisoners.

Q. Who ordered him to take these prisoners?

A. Don because we did not [illegible] them

Q. Was he the only one who took them?

A. No.

Q. Did he say anything else?

A. No.

Q. Did these three escaped prisoners speak to him?

[illegible]

Q. Was you on the main road Saturday at the time?

A. I was on the road on Saturday they told us that they
had been executed on Wednesday and [illegible] killed.

Q. Did you see any dead bodies at Bluefields?

A. No.

Q. Did you [illegible] who did see any?

A. My brother saw one dead body at the Hospital at Bluefields.

Q. How long have you known the accused?

A. Since 1895.

Q. Did you see him on the road on Saturday at Pagoa when he
had on a uniform?

A. Yes he had a rain-over also.

Q. What was his rank?

A. Major.

Q. Was he have any soldiers with him?

A. No.

The accused declined to cross examine the witness.

Examination by the commission

Q. Are you certain that fifty-seven prisoners were brought to
Punta Gorda?

A. Brought fifty seven and one came in later.

Q. Are you certain?

A. Yes

Q. Were any of the Spanish prisoners wounded mortally?

A. Yes one was wounded in the head, we all thought he was
going to die, he died in three days.

The judge-advocate announced that the prosecution
here rested.

This commission then at 11:16 A.M. adjourned to meet
tomorrow the 30th instant at 10:00 A.M.

WESTCOTT MILLER

Witness signed,

Private 1st Cavalry,

Junior counsel.

Court assembled pursuant to adjournment at 10 o'clock A.M.

Present

All the members of the commission and the Judge-Advocate.

The accused, his junior counsel Wm. Francisco Alvarez, the interpreter, and the reporter were also present.

Captain J. F. Wm. Black, 3d Cavalry, junior counsel for the defense was absent sick.

The reading of the proceedings of the previous day was dispensed with.

Private George Wm. Ley Kelly unassigned, 26th Infantry was duly sworn as reporter, vice Private Frederic Carter, Troop B, 3d Cavalry relieved.

Vicente Tenorio, a witness for the defense, was duly sworn and talked as follows:-

Direct Examination: Questions by the Judge-Advocate:

Q. State your name residence and occupation.

A. Vicente Tenorio, San Fernando, Farmer.

Q. Do you know the accused? If so, state his name.

A. Yes, Francisco Dragona.

Questions by the accused.

Q. Do you remember when the American forces arrived in San Fernando?

A. I remember the month and the year, it was February last year.

Q. Do you also remember that it was Thursday when the American forces arrived here, that you left San Fernando with the accused for a place

name of Tinlin?

A. Yes, Sir.

Q. With the intention of going to that place?

A. Yes, with that intention.

Q. On what day was it?

A. Thursday morning.

Q. Do you remember the date now?

A. No.

Cross Examination: Questions by the Judge Advocate:

Q. When did you leave San Fernando, at what hour?

A. At one P.M.

Q. How long did you stay with the accused that morning at Tinlin?

A. Until 8 o'clock the same morning.

Q. Did you leave him there?

A. I left him and went to another house.

Q. When did you see him next?

A. I saw him yesterday.

Q. Where did you see him the next time after you left Tinlin?

A. Before we left for the mountains this morning we did not see him anymore.

Q. When did you leave for the mountains?

A. On Wednesday afternoon June 6, 1899.

Q. Did you see the accused on Thursday after you left Tinlin?

A. No.

Q. [illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

Q. At how early an hour?

A. About 9 o'clock

Q. Where?

A. Texas

Q. Were you in Texas from San Fernando?

A. Little over two hours.

Q. How far is it from Alvarado?

A. Less than two hours.

Examination by the commissioners.

Q. Should the commissioners after you left Hunt at Dallas?

A. About three, we separated on Monday and went to the woods.

Q. Were you at or near Calloway on or about Friday February 23d?

A. I was not.

Q. What induced you to leave Texas? What day and hour.

A. We left Dallas at 8 or 9 o'Cl. Monday.

Q. What induced you to leave Texas?

A. To escape from the Americans.

Q. Why did you wish to escape from the Americans?

A. Because they caught the Mexicans.

Q. Had you ever a Mexican soldier?

A. No.

Q. What had you to fear from the Americans?

A. [illegible] would me, they would make me a soldier.

Q. Did you see any Spanish citizens at this meeting about the war?

A. I did not.

Q. Were all your [illegible]

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Q. How was Bragais dressed while in Tuilin?

A. He was in pajamas.

Q. What color?

A. White.

Q. Was he armed?

A. No.

Q. Was he an official of the insurgent government?

A. He was.

Q. Was he not a military official?

A. Yes.

Q. How did it happen that he had no uniform and was not armed?

A. Because he was in his house.

Q. Do you mean to say that the accused was a military official; that the Americans were near by, and he stayed in his house under those conditions?

A. I don't know.

Q. Was he in command of anything?

A. There were no soldiers in Tuilin.

Q. Why was he waiting for the Americans so anxiously?

A. I don't know.

Q. Where did you go after leaving Tuilin?

A. I went to a mountain known as Lagias.

Q. Do you mean to tell the commission that you were in Tuilin from Thursday, February 22nd, until the following Monday and did not know or hear anything of any Spanish prisoners?

A. I only heard that Filipino soldiers were conducting Spanish prisoners.

Q. Did you hear that through the accused?

A. I did not; I heard it from the people there.

Q. When you [illegible] from Braganza home was he [illegible]

A. [illegible]

Q. Did [illegible] in the [illegible] any [illegible] and [illegible] anything.

Direct Examination: Questions by the Judge-Advocate:

Q. State your name and residence.

A. Maria Abad - San Fernando.

Q. Do you know the accused? If so, state who he is.

A. Mrs. Francisco Braganza.

Questions by the accused:

Q. Do you remember the date when the Americans arrived here?

A. Wednesday and Thursday.

Q. Do you remember when the accused left San Fernando with his family, for Lubao, did you accompany him?

A. Yes.

Q. With the intention of hiding and keeping away from the Americans anyhow?

A. Yes.

Cross-Examination: Questions by the Judge-Advocate:

Q. When did you leave San Fernando?

A. On Thursday at 9:00 A. M.

Q. Who was in the party?

A. Braganza, his family and myself.

Q. How many persons.

A. About ten.

Q. Was Ludovico Medina with you?

A. Yes.

Q. What time did you reach Lubao?

A. About 8:00 o'clock P.

183. Q. After arriving at Tuition, what did the accused do?
A. Nothing but look for the Americans.
Q. Did you see him after that during Thursday?
A. Yes.
Q. Where?
A. In the house where they were staying.
Q. Did you stay in the same house with the accused and his family?
A. No.
Q. Did the accused have any insurgent soldiers with him?
A. No.
Q. Did you see him Thursday afternoon?
A. Yes.
Q. Do you know whether or not he left Tuition that day?
A. He did not leave.
Q. Did you see him Thursday night?
A. No.
Q. Do you remember the next day Friday, well?
A. Yes.
Q. What makes you remember?
A. Because we killed a cow that day.
Q. Did you see Augusto on Friday morning?
A. Yes.
Q. What was he doing?
A. [illegible]
Q. [illegible]
A. [illegible]
Q. [illegible]
A. [illegible]
Q. [illegible]
A. [illegible]

184. Q. At what time did you eat on Friday?
A. About noon.
Q. Did you ever see him in uniform?
A. No.
Q. Was the accused, Dragunga, present in his house when you were eating in his house on Friday?
A. Yes, I am sure.
Q. How long had the Americans been here, on that day?
A. I have heard the Americans arrived in Calabanga on Wednesday.
Q. Was that Wednesday two days before Friday when the cow was killed?
A. Yes, it was that Wednesday.
Q. How long have you known the accused?
A. Almost two years.
Q. What was his business in San Fernando before he moved to Tinlin?
A. He was first a Lieutenant of police and afterwards a major of the regular forces.
Q. Then he was a major when he was at Tinlin?
A. Yes.
Q. Where were his colours?
A. Under them.
Q. What was he talking about on Friday?
A. About where they were going the next day, and also with regard to our crops and more.
Q. Did he have his own forces at that time?
A. Yes, our men were in the army.
Cross-examination by the Prisoner's counsel.
Q. Did you see the Americans when they arrived?

(Sd.) [illegible]

Q. Where do you know the day when they arrived?

A. The people said they had arrived on Saturday.

Q. Can you state the month and day of the month that you were at San Fernando with the accused?

A. I say Thursday February, I think the date was the 22nd but am not sure.

Q. How do you know the accused had a uniform?

A. Because when he arrived at San Fernando from Nueva Caceres he was wearing his uniform.

Q. Did he have any arms?

A. A sabre.

Q. When did you last see his uniform?

A. When he arrived at San Fernando.

Q. Did he wear a hat and shoes while in Tarlac?

A. I don't know.

Q. Describe as near as you can the clothing he did wear?

A. An ordinary civilians dress, I don't know the color, I am sure it was not a uniform.

Q. Did you know anything of any Spanish prisoners being in that vicinity at that time?

A. I have only heard that there were Spanish prisoners near Baluag.

Q. Did you hear the accused speak of them?

A. No

Ignacio Reyes, a witness for the defense was duly sworn and testified as follows:-

Direct- Examination: Questions by the Judge-Advocate.

Q. What is your name and residence?

A. Ignacio Reyes; Nueva Caceres.

Q. Do you know the accused? If so, state who he is.

vs. U. S. A. Francisco Bragunya.

Questions by the accused:

Q. Was you an officer of the Filipino army before the Americans occupied this part of the island?

A. Yes.

Q. Do you know whether the accused, Bragunya, was major of the Filipino regular army?

A. Yes, he was a major.

Q. Do you know that on the 1st of February the accused was holding a position of the center of the Province of the 1st District, with residence in Nueva Caceres.

A. Yes, I know he was major of the 1st District

Q. And do you also know that this 1st District comprised the cities of Nueva Caceres, Camaman, Magarao, Bombon, Quipio, Calabanga Tinambac and Siruma.

A. Yes.

Q. And that these towns are in an opposite direction to San Fernando?

A. Yes. I also know that they are in an opposite direction

DM Q. And do you also know that the accused held that office up to the time these towns were abandoned by the Filipino forces?

A Yes. I know.

Q. Do you also know that the accused had permission from Colonel Peña to go to San Fernando?

A. Yes.

Juan Tomacho a witness for the defense was duly sworn and testified as follows:-

Direct Examination: Questions by the Judge-Advocate

Q. What is your name residence?

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A. Juan Camacho, Nueva Caceres.

Q. Do you know the accused? If so, state who he is.

A. Yes; Brayanza

Questions by the accused:

Q. Did you belong to the insurgent army before the Americans arrived here?

A. Yes.

Q. Were you an officer or a private?

A. I was 1st Lieutenant and field Adjutant.

Q. Being an officer of the Filipino army, did you know the accused had any military office?

A. He was Major of the 1st District.

Q. Said w hat officers did he hold, w hat towns did he have charge of?

A. From Nueva Caceres to Mangiring.

Q. Said these towns are not in the direction of San Fernando

A. In an opposite direction to San Fernando.

Q. The accused was holding this office till these towns were abandoned by the Filipinos?

A. I believe so

Q. Do you also know that from the [illegible] of February he was residing in Nueva Caceres?

A. I do not know where he resided since [illegible]

Q. Do you know that from the [illegible] of February he had resided in Nueva Caceres?

A. I do not [illegible]

[illegible] Commander of the [illegible]

Q. Was the chief of the [illegible] in Nueva [illegible] subject of that command?

A. I believe not because the natives had their own commanders.

169. Q. Were the militia in charge of Regulars?
A. No.
Q. Which was the highest in rank, a major of regulars or militia?
A. I don't know.
Q. Were Bimalabag and San Fernando included in the 1st District?
A. Yes.
Q. Did or did not the insurgents retire to the interior on the advance of the Americans?
A. They retired to this town, first and after a fight.
Q. Did Bragança desert?
A. I did not notice.
Q. As a matter of fact do you know where Bragança was on the days of Thursday and Friday 22nd and 23rd days of February 1900.
A. I don't know.

José Fernando a witness for the defense was duly sworn and testified as follows:-

Direct-Examination: Questions by the Judge-Advocate.

Q. State your name and residence?
A. José Fernando of Biambolo.
Q. Do you know the accused? If so, state who he is.
A. Yes; his name is Francisco Bragança.

Questions by the accused.

Q. Were you residing at Lubin when the Americans arrived
A. Yes
Q. Do you know the date?
A. Thursday.
Q. Do you remember having seen the accused that day in Lubin?

89. A. I saw the accused on this day.
Q. Do you know whether he stayed there?
A. Yes, I know that he did stay there.
Q. Up till what date did he stay there?
A. I saw him up till Sunday.

W.C. Cross-Examination: Questions by the Judge: Counsels:

Q. What was your business in Linlin?
A. Farmer.
Q. Did you live in Linlin?
A. Yes.
Q. Where did the accused live before the Thursday you speak of?
A. He lived there in Linlin.
Q. How long had he lived there?
A. A few months.
Q. Do you remember seeing him on this Thursday?
A. Yes.
Q. At what hour?
A. About 8 or 9 A.M.
Q. Did you see him on Wednesday the day before in Linlin?
A. No.
Q. Where was he then?
A. I don't know.
Q. How do you know he had lived in Linlin some months?
A. Because he has property there.
Q. Had you seen him living in Linlin several months before this Thursday?
A. Yes, I saw him.
Q. When did you see him in Linlin before this Thursday
A. I did not see him before Thursday.
Q. Where did he come from on Thursday?
A. I don't know.

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69. A. I saw the accused on this day.
Q. Do you know whether he stayed there?
A. Yes, I know that he did stay there.
Q. Up till what date did he stay there?
A. I saw him up till Sunday.
W.C. Cross-Examination: Questions by the Judge-Advocate:
Q. What was your business in Linlin?
A. Farmer.
Q. Did you live in Linlin?
A. Yes.
Q. Where did the accused live before the Thursday you speak of?
A. He lived there in Linlin.
Q. How long had he lived there?
A. A few months.
Q. Do you remember seeing him on this Thursday?
A. Yes.
Q. At what hour?
A. About 8 or 9 A.M.
Q. Did you see him on Wednesday the day before in Linlin?
A. No.
Q. Where was he then?
A. I don't know.
Q. How do you know he had lived in Linlin some months?
A. Because he has property there.
Q. Had you seen him living in Linlin several months before this Thursday?
A. Yes, I saw him.
Q. When did you see him in Linlin before this Thursday
A. I did not see him before Thursday.
Q. Where did he come from on Thursday?
A. I don't know.

190. Q. What made you notice him on Thursday?
A. I remember Thursday, because I was afraid of the Americans?
Q. What was Braganza doing on this Thursday?
A. He had a field glass in his hand and was looking around.
Q. Did the accused get into Imlili on Thursday?
A. Yes.
Q. Who was with him.
A. All women; I don't know how many.
Q. How long did you stay where you could see him on Thursday at 8 o'clock?
A. I was in my house when I saw him, after that I saw him out.
Q. Did he leave Imlili that day?
A. I don't know whether he left Imlili or not.
Q. Did you leave Imlili that day?
A. No.
Q. Did you see Braganza Thursday night?
A. No; I was in my house.
Q. Do you remember very well the next day Friday?
A. Yes.
Q. Where was the accused on Friday morning?
A. In his house.
Q. How do you know?
A. I went there to buy some beef.
Q. Did you buy any?
A. Yes.
Q. Who sold it to you?
A. Braganza's wife.
Q. Did you see Braganza at that time, and where?

191. A. Yes, in his house.

Q. Did you say anything to him?

A. No.

The commission then at 12 M. took a recess until 2:00 P.M., at which hour the members of the commission, the Judge Advocate, the accused, his senior counsel Mr Francisco Alvarez, the interpreters, and the reporter resumed their seats. Captain J. F. McBlain 9th Cavalry, junior counsel for the defense was absent on duty.

José San Fernando a witness for the defense continued his testimony in Cross-Examination by the Judge Advocate as follows:

Q. What time of day on Friday did you see the accused in Tinlin?

A. At 7.00 A.M.

Q. Did you see him after that on Friday?

A. I saw him again at 12. M.

Q. What was he doing in Tinlin?

A. He was in the window of his house.

Q. How was he dressed?

A. In a white civilian dress.

Q. Did you have any conversation with him?

A. No.

Q. Did he leave Tinlin on Friday morning?

A. No.

Q. How long have you known him?

A. About two years.

Q. Did you know of any Spanish prisoners in his office near Tinlin about this time?

A. No.

Q. Did the accused say anything while at Tinlin?

A. No.

Q. Where did the accused come from?

192. A. I don't know.

Q. You heard nothing about any Spanish prisoners?

A. No.

Q. Do you know what rank the accused had in the insurgent army?

A. No.

Q. Did you ever see him before you saw him at Tuitin?

A. Yes.

Q. Where and what did you know about him?

A. I knew him at Tuitin about two years ago, he was working in the rice fields.

Q. Have you ever served in the insurgent army?

A. No.

Q. Were you ever in the employ of the accused?

A. No.

Q. When did you leave Tuitin?

A. November last year.

Q. Were you there when the Americans arrived?

A. Yes.

Q. Did you not leave the place at that time?

A. No.

Q. How long to your knowledge had the accused resided in Tuitin?

A. About two years ago, but he never resided there long, he always went away for some time and came back again.

Pauline Perez a witness for the defense was duly sworn and testified as follows:

Direct-Examination: Questions by the Judge-Advocate.

Q. What is your name, residence and occupation?

A. Pauline Perez, of Bilaar Province.

Q. Do you know the accused, if so state who he is.

192.

A. I don't know.

Q. You heard nothing about any Spanish prisoners?

A. No.

Q. Do you know what rank the accused had in the insurgent army?

A. No.

Q. Did you ever see him before you saw him at Tinkin?

A. Yes.

Q. Where and what did you know about him?

A. I knew him at Tinkin about two years ago, he was working in the rice fields.

Q. Have you ever served in the insurgent army?

A. No.

Q. Were you ever in the employ of the accused?

A. No.

Q. When did you leave Tinkin?

A. November last year.

Q. Were you there when the Americans arrived?

A. Yes.

Q. Did you not leave the place at that time?

A. No.

Q. How long to your knowledge had the accused resided in Tinkin?

A. About two years ago, but he never resided there long, he always went away for some time and came back again.

Paulino Perez a witness for the defense was duly sworn and testified as follows:

Direct Examination: Questions by the Judge Advocate.

Q. What is your name, residence and occupation?

A. Paulino Perez, a Filipino laborer.

Q. Do you know the accused, if so state who he is.

Q. Is Thomas Brangan
witness in the accused.
Q. Do you know the accused and remember the Americans arrived here?
A. Yes.
Q. Where were you at that time?
A. In Tullow.
Q. What day did the Americans arrive here?
A. Thursday in February last year.
Q. Did you see the accused in Tullow that day?
A. Yes.
Q. Did the next day did you see him?
A. Yes.
Q. How what day did you see him there?
A. Until Saturday, on Friday night the town.
Q. Did the accused go there with his family to hide himself?
A. Yes.

Cross-Examination: Questions by the Judge-Advocate.

Q. What were you doing at Tullow at that time?
A. Farming.
Q. For whom did you work?
A. For myself.
Q. Did you own land there?
A. Yes.
Q. Who lives on that land now?
A. Nobody now
Q. Did you have a house in Tullow?
A. Yes
Q. Is it still there?
A. Yes.
Q. Who lives in it?
A. Nobody

Q. Do you know anyone in this country, who was there when
you were there, & tell their names
A. Yes, Lieut. Neill and Son Lieutenant.
Q. Where is Lieut. Neill?
A. In Washington.
Q. Can you show that Braganza was at Tuticorin on Thursday,
and Friday in February last year?
A. I came here on Thursday when he arrived and next day I
went to some meat from him.
Q. What Thursday was that?
A. I can't remember the date.
Q. Was it before or after the Americans arrived here?
A. They were coming then.
Q. What day did they come in?
A. It was a Thursday, I don't remember the date.
Q. Did they come in the same day Braganza came to Tuticorin?
A. Yes.
Q. Who was with him when he came in?
A. His family.
Q. Do you know anyone else who was with him?
A. No.
Q. Did the accused have his family with him?
A. Yes.
Q. How many?
A. I did not count them.
Q. Was there more than one family with him?
A. I don't know.
Q. Did you see him when he entered the town with his family?
A. Yes.
Q. Were they riding or walking?

195

A. Walking.

Q. How many were in the party?

A. I don't know.

Q. Were there more than ten?

A. I don't know, maybe ten.

Q. How was the accused dressed?

A. I saw him at a distance I saw he was dressed in white.

Q. What time was that?

A. Between 9 and 10 A.M.

Q. Did you see him again that day? If so, at what time?

A. Yes, he was inside Intia at a place known as Camagon, watching a fire.

Q. What was Dragunga doing that Friday?

A. He was watching the fire.

Q. Did you see him that night?

A. I did not.

Q. Did you see him the following morning?

A. Yes, near 12 o'clock.

Q. What was he doing?

A. He was [illegible]

Q. What were you doing that you could see him in his house?

A. I went to buy meat.

Q. What kind of meat?

A. Beef.

Q. Did he kill a cow?

A. No.

Q. Was he connected with the insurgent army at any time?

A. No.

Q. Have you ever worked for the government?

A. No.

Q. How long did the accused stay in Linlin after he got there
196 on Thursday?
A. Only two from Thursday, Friday and Saturday; after that
he left.
Q. Have you ever held conversation with anyone about
this case?
A. No.

Examination by the Commissioners:

Q. Did no one tell you to testify in this court?
A. Nobody.
Q. Did you not know when you came into this room what you
were expected to testify to?
A. No; I only knew from the summons.
Q. How many buildings are there in Linlin?
A. Only 4 houses together, the rest are scattered.
Q. Who lived in each of these four houses?
A. Braganza in one, Dalmacio Lillo in another, Jose
Fernando in another, and myself in the other.
Q. Who lived in Braganza's house when he was away?
A. I don't know.
Q. How far were you from Braganza when you saw him coming
into town on Thursday?
A. About 200 yards.
197 Q. How long before that day was it that you last saw him -
A. Nearly a month before that.
Q. How did you know at that distance that it was Braganza
who was coming on?
A. I recognized him, and have known his manner and thought it
was him.
Q. Did you hear anything at that time from Braganza's horse's feet

Tinlan?

A. No.

Q. Did you hear of any Spanish prisoners being killed near this place?

A. No.

Q. How far is Tinlan from Lupi.

A. About two hours distance

Q. On Thursday when Braganza came in, at that time could not Braganza have left that place for several hours without your knowing it?

A. I don't know whether he could or not, but saw him in the morning and the afternoon in his house.

Q. Did you see Braganza all the time from sunrise to 12 o'clock that Thursday?

A. Saw him always.

Q. How did you come to be so closely in his company?

A. Saw him when he arrived and in the afternoon we were watching the fire, and in the morning I bought some meat from him.

Q. How did he happen to have meat?

A. He killed a cow.

Q. Did he leave the town on Thursday or Friday?

A. No.

Q How far is Arcan from Tinlan?

A. A good distance, I cant say how far.

Q. Did anyone refresh your memory as to the time that Braganza was in Tinlan with you?

A. Nobody.

Q. Did you not know why you were brought to Nueva Caceres?

A. I only know by the summons

Q. Does the accused own any property at Tinlan?

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I.P.O. A. U.S.

Q. How much?

A. I didn't pay. I don't know how much.

Q. Does he own the property you live on?

A. No.

Q. Are you related to Braganza?

A. No.

Q. Did you see Ludovico Redula or Maria Abad on Thursday you mentioned in Tinian?

A. Yes, both of them.

Q. What were they doing?

A. They came from San Fernando.

Q. You stated you did not know the names of any of the party who came from San Fernando?

A. I knew them when I saw them in Tinian

Q. Did they come with Braganza.

A. They said so.

MF Q. Did you see Braganza when he came in?

A. Yes.

Q. Were there two persons with him?

A. Yes.

Q. Did you see them?

A. Yes.

Q. How many women were with Braganza when he came in?

A. I did not count them.

Q. Were there five?

A. I don't know.

Q. Were there ten?

A. I don't know.

Q. Were there any?

197. A. Yes.

Q. Was there one?

A. Yes, there were two or three.

Q. What was the fire that Braganza was watching?

A. A fire in those bushes, and they were watching it.

Q. Where were they watching it from.

A. From a tree.

Q. Who was on the tree?

A. Braganza and Fernando, and myself.

Q. What did you see?

A. I saw a fire.

Q. What kind of a fire?

A. I saw one on a tree.

Q. Why did that interest you and Braganza?

A. He went to see the fire.

Q. When Braganza was not watching for the Americans, was he.

A. They were watching for the Americans also.

Q. Was Braganza any position in the insurgent army?

A. I only know that he belonged to the Police of San-
-Fernando.

Q. In the city

A. Yes.

Q. Was he ever known as one of the leaders in the insurgent
army?

A. I don't know.

Q. Was he ever known under a title as a military man?

A. I don't know.

Q. Was he ever known as one of those who [illegible]

Re. direct Examination: Questions by the accused:

Q. How far was this place where you went to see the fire from Braganza's house?

A. From here to the church, (Indicating a distance of about one hundred yards)

Re. Cross Examination: Questions by the Judge-Advocate:

Q. What time on Saturday morning did you see Braganza?

A. At 12:00 o'clock, noon.

Q. Was he in Tinlin all that morning?

A. I only saw him at 12:00 o'clock, I don't know where he was in the morning.

Dominga Flor de Lis, a witness for the defense was duly sworn and testified as follows:-

Direct-Examination: Questions by the Judge-Advocate:

Q. What is your name and residence?

A. Dominga Flor de Lis, Nueva Caceres.

Q. Do you know the accused? If so, state who he is.

A. Yes; Francisco Braganza.

Questions by the accused:

Q. Do you know the day and date when the American forces arrived here?

A. Yes; they arrived on a Thursday in February last year.

Q. There were one or two Thursday?

A. I was in Cavite.

Q. Did you go to Tinlin at that time?

A. At 8 P.M. Thursday I arrived at Tinlin that Thursday evening.

Q. Did you see the accused at the Tinlin there?

A. Yes

Q. And he was there?

A. Yes; because I was living with the accused.

Q. Is all what you said true?

A. [illegible] Tinlin.

Q. Do you know for what purpose he was there?

A. When I arrived there, they were there escaping from the Americans
they had come from San Fernando.

Cross-Examination: Questions by the Judge-Advocate:

Q. Where had you been living up till Thursday?

A. At Cuenca.

Q. How far is Cuenca from Tinlin?

A. I left in the morning and arrived at Tinlin at 2:00 P.M.

Q. How long have you known the accused?

A. Since the time of the Spanish occupation, when he was a
school master.

Q. Are you related to the accused?

A. No.

Q. Why did you go to Tinlin?

A. Because I was described, and I went to Tinlin,
because [illegible] there were people
there.

Q. Was the accused in Tinlin when you arrived there?

A. Yes.

Q. Where was he?

A. In his house

Q. Did you have any conversation with him when you arrived?

A. Yes.

Q. What did you talk about?

A. I told them how they were, and why they were there, and they
told me that they were escaping from the Americans.

Q. How long did you remain in the house of the accused in
Tinlin?

A. Until Saturday

Q. Did the accused leave his house while you were there?
A. He did not leave his house.
Q. Did he remain in his house all Thursday afternoon?
A. Yes.
Q. Did you see him Thursday night?
A. Yes.
Q. Do you remember seeing him on Friday morning?
A. Yes.
Q. What was he doing on Friday morning?
A. Nothing
Q. Did anything unusual occur on Friday morning?
A. Nothing unusual.
Q. Did you eat in Braganza's house on Friday morning?
A. Yes.
Q. What did you have to eat?
A. Beef.
Q. Where did the beef come from?
A. Braganza ordered a cow killed.
Q. Did you see Braganza all day Friday?
A. Yes.
Q. Did you see him Saturday morning?
A. Yes, up till Saturday afternoon, when I left.

Examination by the commission:

Q. What makes you remember these days so well?
A. Because I had been there and remember.
Q. Did anything unusual happen?
A. No.
Q. Was the country peaceful?
A. Yes.
Q. How long had the Americans been here on Thursday, Friday and

Saturday?

A. They arrived here on Thursday the same day before mentioned.

Q. How many were there in the family in Braganza's house?

A. There were five in the family.

Q. Did you see Isidoro Pedro and Maria Abad in Lintin on that Thursday?

A. Yes; both.

Q. Was the accused connected with the insurgent army?

A. I don't know

Q. If he had been would you have known it?

A. I would have known; I heard he was a minor.

Q. Tell what was Braganza doing on Friday morning?

A. Setting down in his house.

Q. Was he in his house all that morning?

A. Yes.

Q. Did he not have a pair of field glasses?

A. Yes

Q. Did he walk any [illegible]

A. [illegible] windows.

Q. Was there a [illegible]

A. Yes

Q. Did the accused also keep this up on Thursday afternoon?

A. [illegible]

Q. [illegible]

A. Yes.

Q. Are you sure of [illegible]

A. Yes

Q. [illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

Q. Was not the accused watching for Americans?

A. He was not.

Q. Were there any Spanish prisoners in that vicinity at that time to your knowledge?

A. I did not see or hear anything about them.

Q. Did you see José Fernando on Thursday in Santin?

A. Yes.

Q. What was he doing?

A. I don't know, he was in his house.

Q. Was he up in a tree on Thursday afternoon?

A. I did not see him in a tree, he was in his house.

Q. Did you see him looking at the fire?

A. No

The commission then at 5:15 P.M. adjourned to meet tomorrow July 31st at 2:00 P.M.

D. Mead Taylor
Captain 23d Infantry
Judge Advocate

Rueva Caceres, Camarines Sur P.I.
July 31st 1901.

The commission met pursuant to adjournment, at 2:00 P.M.

Present:

All the members of the commission and the Judge Advocate; the accused, his senior counsel Mr. Francisco Alvarez, the interpreter, and the reporter were also there.

Captain [illegible] of the Cavalry, Junior counsel for the defence was absent sick.

José Felicen, a witness for the defence was duly sworn, and testified as follows:-

Direct Examination: Questions by the Judge-Advocate.

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Q. What is your name, residence and occupation?
A. Jose Galicia, Merchant, San Fernando.
Q. Do you know the accused? Yes, also who he is.
A. Yes. Francisco Braganza.

Questions by the accused

Q. What was your occupation when the Americans arrived here?
A. President of San Fernando.
Q. Do you remember the date of the Americans arrival?
A. February, last year, I don't remember the date.
Q. Do you know if the accused had been appointed at that time a major of the Filipino regular army?
A. Yes.
Q. And after being being appointed a major, did he resign his position as Lieutenant of Police in San Fernando?
A. Yes.
Q. Then there was another man in charge of the police in San Fernando?
A. Yes, the orders I received from the Insurgent government were to appoint Luis Aquila.
Q. Was Luis Aquila Lieutenant of police when the Americans arrived here?
A. He should have been, but he went to Baao where his men were.
Q. When did the accused resign as Lieutenant of police?
A. In January.
Q. Where did he live after he resigned?
A. I dont know, but as he was in charge of this district; he should have resided in Nueva Caceres.
Q. From the 1st of February last year did the accused leave San Fernando and live in Nueva Caceres?
A. Yes.

Cross-Examination: Questions by the Judge Advocate:

206. Q. Did you ever see him in San Fernando after he resigned?

A. Once.

Q. When?

A. The first day when the prisoners arrived there.

Q. What prisoners?

A. Spanish prisoners.

Q. You have stated in your previous evidence in this case, that the accused was Lieutenant of police of San Fernando when the Spanish prisoners arrived, am I correct in that statement?

A. Yes; I have said so.

Q. Who was Lieutenant of Police in San Fernando when the Spanish prisoners arrived there?

A. A Sergeant, Adriano Nuñez was in charge as the Lieutenant was not there.

Q. What Lieutenant was away in Baao?

A. Luis Aquila.

Q. Why have you changed your mind, and made his statements which are so different?

A. I have said this because Braganza was the only man who understood the work, and this was the only time I saw him there.

Q. What work do you have reference to?

A. He understood all the papers and accounts.

Q. Did he do any work there that day?

A. Yes; on accounts.

Q. What accounts?

A. To pay the prisoners five, and the corporals expend a quarter until gold.

Q. What prisoners did he pay?

A. The Spanish prisoners.

Q. Who told him to pay the Spanish prisoners?

A. A Son of General Guevara, ordered me to give this money to

207. the prisoners, and ordered Braganza to distribute it among the prisoners.

Q. Did you hold any military rank at that time.

A. Yes.

Q. In what capacity did Braganza take that order from you as a major of the Filipino Army or as a Lieutenant of police.

A. As a major of the Filipino forces.

Q. Was the accused exercising the authority of a major of the Filipino army at that time.

A. He was not doing the work as a major at that time.

Q. What was he doing the work as?

A. He was not exercising the office of Commandante.

Q. Which government was in force then Military or civil?

A. Military

Q. What were your duties then?

A. Those of procidente.

Q. After the accused paid these prisoners, what did he do next

A. After that he asked me permission to go with his family and that he had paid the prisoners and left them in charge of the Sergeant of police.

Q. When did he have that permission of you?

A. That morning of the Tribunal met the accused; and the accused said he was going to leave the town.

Q. Did Linsangan prevent that day?

A. No.

Q. Was he there recently?

A. No.

Q. When did you hear from him about paying the prisoners?

A. Received a written order upon the prisoners money when it was necessary

Q. When did you receive that order?

A. I don't remember the date.

Q. What day did Braganza pay the prisoners?

A. Wednesday.

Q. Was it the same day the prisoners arrived there from Pampanga?

A. Yes.

Q. What time did Braganza leave that day?

A. About 1.00 P.M.

Q. Where did he take his family?

A. I heard to Tarlac.

Q. In whose house did his family live before he took them to Tarlac.

A. The house of Captain Martin.

Q. Where is Captain Martin's house?

A. On the road to Pasaoao within the town of San Fernando.

Q. How long did they live in Captain Martin's house?

A. I don't know, two or three months.

Q. Did they live there alone?

A. Braganza and his family.

Q. How could he live in two places at once?

A. He was living here at Nueva Caceres, and part of the time at San Fernando, this at the time he was appointed major.

Q. Did he leave San Fernando with his family the day he paid the prisoners.

A. Yes.

Q. Did he pay the prisoners the same day they arrived?

A. Yes.

Q. What day was that.

A. Wednesday.

Q. Did Luis Aguila actually have charge of the police of San Fernando?

A. Yes.

A. I dont remember the date.

Q. What day did Braganza pay the prisoners?

A. Wednesday.

Q. Was it the same day the prisoners arrived there from Pampanga?

A. Yes.

Q. What time did Braganza leave that day?

A. About 1.00 P.M.

Q. Where did he take his family?

A. I heard to Tarlac.

Q. In whose house did his family live before he took them to Tarlac.

A. The house of Captain Martin.

Q. Where is Captain Martin's house?

A. On the road to Pasacao within the town of San Fernando.

Q. How long did they live in Captain Martin's house?

A. I don't know, two or three months.

Q. Did they live there alone?

A. Braganza and his family.

Q. How could he live in two places at once?

A. He was living here at Nueva Caceres, and part of the time at San Fernando, this at the time he was appointed major.

Q. Did he leave San Fernando with his family the day he paid the prisoners.

A. Yes.

Q. Did he pay the prisoners the same day they arrived?

A. Yes.

Q. What day was that.

A. Wednesday.

Q. Did Luis Aguila actually have charge of the police of San Fernando

A. Yes.

Q. Where is Luis Aguila now?

A. Dead.

Examination by the commission:

Q. Describe the clothing worn by Braganza when you last saw him?

A. The uniform of a major

Q. What color was it?

A. White with blue stripes

Q. Did he have any insigna?

A. Yes, shoulder straps

Q. What color were these shoulder straps?

A. Red.

Q. Had he stripes on his trowsers?

A. Yes; he had a stripe either red or white.

Q. Had he a hat on?

A. I am not sure, whether he had a hat or a cap.

Q. Had he any arms?

A. Yes, a saber.

Q. Did he have a revolver?

A. No, I did not see any.

Q. Did he have a pair of field glasses?

A. No.

Q. Are you sure he had no field glasses?

A. I did not see any.

Q. How many women were in his party?

A. I did not see any of them when they left.

Mariano Farol a witness for the defense was duly sworn and testified as follows:-

Direct Examination: Questions by the Judge-Advocate:

Q. What is your name, residence and occupation

A. Mariano Farol, Nueva Caceres, Citizen

210. Q. Do you know the accused? If so, state who he is.
A. Geg. Francisco Braganza.

Questions by the accused:

Q. Do you remember the day or date when the American forces arrived here?
A. February, last year.
Q. Where were you at that time?
A. In the rice fields at Tinlin.
Q. Did you see the accused there at that time, Braganza and his
211. family?
A. I saw Braganza at Tinlin on Thursday about 8 or 9 A.M.
Q. And how many days after?
A. Until Sunday morning when I left for the mountains.
Q. Do you know why the accused was in Tinlin?
A. He was hiding from the Americans.

Cross-Examination: Questions by the Judge-Advocate:

Q. Where did you live at that time?
A. In San Fernando at that time, but left on Thursday for Tinlin.
Q. Why did you go to Tinlin?
A. To hide from the Americans.
Q. Who went with you to Tinlin?
A. My wife and two children.
Q. What is your wife's name?
A. Juana Devara
Q. Was the accused in your party?
A. He was not.
Q. Did you arrive in Tinlin before the accused?
A. I arrived first.
Q. Did you see Braganza when he arrived at Tinlin?

211. A. No.

Q. When did you see him there

A. I saw him at about 9 A.M. Thursday.

Q. What was he doing when you saw him?

A. I saw him in the window.

Q. Who was with him?

A. Braganza's family.

Q. How often did you see him on Thursday?

A. About four times

Q. Did you see him in the afternoon?

A. Yes.

Q. What was he doing in the afternoon?

A. He was in the window of his house.

Q. Was there any excitement there that afternoon?

A. No.

Q. How many houses are there in Lulin?

A. Five.

Q. Do you know who lived in those houses.

A. Delmacio Lillo, Paulino Perez, José Fernando, Braganza, the other house also belonged to Braganza.

Q. Did you see him on Thursday night?

A. I saw him from 6 to 7 P.M.

Q. Did you see him Friday morning?

A. Yes.

Q. What was he doing on Friday morning?

A. He was killing a cow.

Q. Were you with him continually on Friday?

A. I was not, I went there & two some times.

Q. Did you see him on Saturday morning?

A. Yes.

Q. Do you remember these three days very distinctly?

211. A. No.

Q. When did you see him there

A. I saw him at about 9 A.M. Thursday.

Q. What was he doing when you saw him?

A. I saw him in the window.

Q. Who was with him?

A. Braganza's family.

Q. How often did you see him on Thursday?

A. About four times

Q. Did you see him in the afternoon?

A. Yes.

Q. What was he doing in the afternoon?

A. He was in the window of his house.

Q. Was there any excitement there that afternoon?

A. No.

Q. How many houses are there in Suitin.

A. Five.

Q. Do you know who lived in those houses.

A. Delmacio Lillo, Paulino Perez, José Fernando, Braganza, the other house also belonged to Braganza.

Q. Did you see him on Thursday night?

A. I saw him from 6 to 7 P.M.

Q. Did you see him Friday morning?

A. Yes.

Q. What was he doing on Friday morning?

A. He was killing a cow.

Q. Were you with him continually on Friday?

A. I was not, I went there & then came here.

Q. Did you see him on Saturday morning?

A. Yes.

Q. Do you remember these three days very distinctly?

212. A. Yes.

Q. Who else was in Lisbon, Thursday Friday and Saturday?

A. José Fernando, and Palmacio Lillo.

Q. How many persons were there in all in Lisbon when you arrived on Thursday?

A. About fifteen.

Q. Do you know the names of some of the women who were there?

A. The wife of Palmacio Lillo, Catalina the wife of José Fernando, Silvestra the wife of Paulino, and Juliana.

Q. Did you see any of the following persons there? Ludovico Redula.

A. Yes, he accompanied Braganza when he arrived.

Q. Maria Abad?

A. Yes.

Q. Dominga Flor de Lis.

A. Yes.

Q. Did Braganza leave Lisbon at any time while you were there?

A. I did not see him leave while I was there.

Q. Did he stay there all the time you were there?

A. Yes.

Q. Are you sure of that?

A. I am up till Sunday; after that I don't know.

Examination by the Commission:

Q. State if you know where Braganza came from?

A. I don't know

Q. What dress did he wear when you saw him?

A. Civilian dress and white shirt.

Q. Did he have a pair of field glasses?

A. Yes.

Q. Did he have a revolver?

219.

A. I don't know.

Q. Did he have a saber?

A. I did not see him armed while I was there.

Q. What was his business there?

A. Escaping from the Americans

Q. Just what was he doing when you saw him Thursday?

A. In his house in the window looking around to see what he could see.

Q. Is Smiten on a mountain?

A. No. in the rice fields.

Q. Are there any trees near?

A. Yes.

Q. What could he see from his window?

A. I don't know.

Q. Had he anything in his hands?

A. I began to

Q. To receive?

A. No.

Q. Was Smith shoes?

A. I saw him on again, but he was not wearing them.

Q. Did you see him outside the house?

A. Yes; he was walking in front of his house.

Q. Was he up a tree?

A. I did not see him.

Q. What was he doing while the cow was being killed?

A. Working.

Q. What was he doing on Thursday?

A. I saw him in front of his house on Thursday.

Q. What was he doing there?

A. Waiting in front of his house.

Q. On whose house were you playing?

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2 a.

A. With Salmacio Lillo.

Q. Name all the persons living in Braganza's house at that time?

A. Priscilla, Paulo Pena, Nipolito, Pilin Abad.

Q. What was Pilin Abad doing there?

A. He was a relation of Braganza.

Q. What relative?

A. Daughter in law.

Q. Did you know of any Spanish prisoners in or near Lintin?

A. Yes

Q. How far is Lintin from Tapi?

A. Two or three cigarettes.

Q. Do you know Braganza very well?

A. I know him because I knew him in San Fernando before.

Q. What was his occupation or profession.

A. I heard when I was in San Fernando that he was a major.

Q. Had he any other occupation?

A. I did not hear of any other.

Q. Could Braganza have been absent from Lintin for a few hours on Thursday or Friday without your knowing it?

A. I don't know, because I was not watching him.

Q. Then he might have been absent and you not know it?

A. Yes, he could.

Q. Do you know Carlos Pey?

A. Yes

Q. Where did he live?

A. In Macao

Q. Was he at Lintin?

A. She he have to see there

Q. Do you know whether any of these persons were of your witness?

A. No I did not know this in the summons

215. Are you related to Braganza?

A. No.

Q. Do you work for him on his farm or anywhere?

A. No.

Juana Devera, a witness for the defense, was duly sworn and testified as follows:

Direct-Examination: Questions by the Judge-Advocate.

Q. What is your name and residence?

A. Juana Devera, San Fernando.

Q. Do you know the accused? If so, state who he is.

A. Ges. Francisco Braganza.

Questions by the accused:

Q. Do you remember the day date and year when the American forces arrived here?

A. Wednesday in February last year.

Q. Where were you then?

A. In Tarlac.

Q. Was this the date the American forces arrived here?

A. Yes.

Q. Were you in Tarlac then?

A. Yes.

Q. And Thursday where you?

A. In Tarlac.

Q. Did you see the accused and his family there?

A. Yes

Q. Where did they come from?

A. San Fernando.

Q. Why did you go there?

A. They were taking from the Americans

Cross Examination: Questions by the Judge-Advocate:

Q. How long did they stay there.

C

[illegible]

[illegible] I was not there [illegible] but I saw him

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Q. How far was his house from the house you lived in?

A. About one hundred and twenty yards.

Q. Were there any trees there?

A. No.

Q. Were there any houses between?

A. Yes, one house between.

Q. Were you in Dublin when the accused arrived there?

A. Yes.

Q. What hour did he get there?

A. About 8 o'cl. PM.

Q. Who was with him?

A. His family

Q. How was he dressed when he arrived?

A. In a plain dress with a white shirt.

Q. How often did you see him on Thursday?

A. I saw him three times

Q. At what hours did you see him?

A. The first time in the morning with the glasses, and the second

time in front of his house

Q. Did you see him at noon?

A. I think so.

Q. Did you see him in the afternoon?

A. Yes, between 2 and 5 (PM).

Q. Where was he?

A. In front of his house

Q. Was he looking at anything?

A. He was watching for the Americans.

Q. Did you see him on Thursday night?

A. No.

Q. Describe how often you saw him the next day, if at all?

A. I saw him the next morning at 10 A.M. at his house. I went there to buy some cigars

Q. Did he keep cigars for sale?

A. No. I asked them as a favor.

Q. What time was that?

A. About ten o'clock

Q. What was going on at that time?

A. He was asleep.

Q. Did you see any other people?

A. His family.

Q. Did you buy the cigars from?

A. From [illegible] personally

Q. You just stated that he was asleep when you went there?

A. He would be and [illegible] told.

Q. Did [illegible] have [illegible] anything on Friday?

A. No

Q. How is [illegible]

A. [illegible] always at his residence except on Thursday and all the time he remains [illegible] [illegible]

he was always there.

Q. How do you know he was there all day, did you see him personally?

A. Yes.

Q. Where was he on Saturday morning?

A. In his house.

Examination by the commission:-

Q. Who were living in the house with Bressani? name all the persons.

A. Bento Celestino and Maria.

Q. What kind of clothes did the accused wear when you saw him on Thursday and Friday?

A. He was in his undershirt.

Q. Was he in the window?

A. Yes.

Q. How did it happen that you could see in his window?

A. Because the houses were opposite.

Q. Was your house nearer Rua de Caceres than Braganza's house?

A. Mine was nearer Rua de Caceres

Q. When he walked towards Rua de Caceres was your house between him and Rua de Caceres?

A. Yes

Q. Did you see the accused outside his house on Thursday or Friday?

A. He was in front of his house.

Q. What was he wearing?

A. An undershirt.

Q. Did he have a necktie on his shirt?

A. No.

Q. Did he have any hat on or not?

A. No

Q. [illegible]

A. No.

Q. What was the time when you saw them?

A. 6

Q. What was the Spanish armament that day, where at that time?

A. I did not notice at that time.

Q. Were you present at the time when the Spanish forces left Subic?

A. I was not with them.

Q. Who brought the news of the Americans at Subic?

A. The people.

Q. Where were the Americans on Thursday?

A. I don't know. I think they were in Subic Bay.

Q. Where were the Filipino forces at that time?

A. I don't know.

Q. How is it that you knew of the Americans, but not of the Filipino forces or the Spanish armament.

A. The Americans were coming, that is how I knew.

The commission then at 4.30 P.M. adjourned to meet tomorrow the 1st of August at 9 A.M.

Allen Lyon

Captain 23rd Infantry

Judge-Advocate.

Nueva Caceres, Camarines Sur, P.I.

August 1st 1901

The commission met, pursuant to adjournment at 9.00 A.M.

Present:

All the members of the commission and the Judge-Advocate.

The accused, his Senior counsel Mr Francisco Alvarez, the Interpreters, and the reporter were also present.

Captain J. F. McBlain, 9th Cavalry Junior counsel for the defense was absent sick.

The reading of the proceedings of the previous day was dispensed with.

Dionisio Monterozo a witness for the defense was duly sworn

[illegible] [illegible] Slaves

Direct Examination & continued by the Judge Advocate

Q. What is your name, residence & occupation?

A. Moses Dick now [illegible] Slave to Gideon.

Q. Do you know the accused? Do, state who he is.

A. Yes. Francis Bryan

Questions by the accused.

Q. Do you remember the second day when the American forces arrived here? If so, state what it was.

A. Yes a Thursday in March, I don't remember the year.

Q. Are you sure it arrived in March, was it not February?

A. I am not sure of the month.

Q. Where were you at that time?

A. In Lupar.

Q. What day was it?

A. Thursday.

Q. Did you not go to Linton that day?

A. Yes.

Q. Did you see the accused there that day?

A. Yes.

Q. How long did you stay there?

A. I arrived on Thursday morning at 10 o'clock and left at 4 o'clock that afternoon.

Q. Did you see the accused there all that time?

A. Yes.

Q. Were you the owner of a cow?

A. Yes.

Q. Did you go back to Linton after that?

A. I went there on Friday and helped to kill the cow

Q. Did you see the accused there on Friday?

[illegible]

[illegible] Friday?

[illegible]

[illegible] that time?

[illegible]

[illegible] Friday?

A. I went there Saturday afternoon to get beef.

Q. What time on Saturday did you return to Silay?

A. [illegible]

Q. Did you stay there all day?

A. Till two o'clock.

Q. Why did you stay there?

A. Barcilla asked me to stay and dry the beef.

Q. Did Barcilla belong to the accused's family?

A. Yes.

Q. Was she living with the accused?

A. Yes.

Q. Did you see the accused all day Saturday?

A. Yes.

Q. Until the evening?

A. Yes, [illegible] two o'clock.

Q. Did you go back to Lupi?

A. I did.

Cross-Examination. Questions by the Judge-Advocate.

Q. Where did you live when the Americans arrived here?

A. Near Lupi.

Q. How long have you lived there?

A. Ever ten years.

Q. What was your business?

A. Farming.

Q. Were you connected with the Filipino Army?

a. No.

Q. How did you know that the Americans came in the party?

The Americans all that time?

A. Because the people related.

Q. What was the last day you heard of their arrival?

A. The last time was on Thursday.

Q. There were Two Americans there?

A. All was said that they were in Batabanoga.

Q. Did you think that they were in Batabanoga?

A. I believe they were.

Q. What made you believe it?

A. Because I saw the people escaping and hiding.

Q. Did you try to escape?

A. Yes. I went a place in the mountains.

Q. When did you leave your home to Escape?

A. On Sunday.

Q. And were they all come in Cuba from Thursday until Sunday?

A. Yes. I was gathering all my cattle.

Q. How much was the last that you have?

A. Seven cows.

Q. What did you get Americans?

A. The Colonel of a Mambi Army named Diaz and I had
[illegible] them.

Q. [illegible]

A. [illegible]

[illegible]

[illegible]

Q

Q. [illegible]

A. [illegible]

Q. [illegible] May

Q. A day of the week?

A. The 3rd of May, I don't remember the day.

Q. Where did Cecilia live?

A. In Linton.

Q. What name did the name Cecilia?

A. I believe they named it Lilli.

Q. How did you know Cecilia wanted the coat?

A. Cecilia asked me to send it.

Q. Where was Cecilia when she asked you this?

A. Near Lake.

Q. What day was Cecilia there?

A. The 3rd of May.

Q. What day of the week?

A. Tuesday.

Q. Do you know all the days of the week?

A. Yes.

Q. How many are there?

A. Seven days.

Q. What day comes before Thursday?

A. Wednesday

Q. [illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

Q. [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] Did you see [illegible] when you went into the house?

[illegible]

[illegible] Did you see anything of the women when you returned?

[illegible]

[illegible] Did you call to him?

[illegible]

[illegible] Did you see him?

A Yes

[illegible] Was there any one else?

A No.

[illegible] Was Sunday between the day you killed the cow and the day the witnesses arrived in Nueva Caceres?

A There was a Sunday between.

[illegible] Is answer to the testimony on the grounds that the witness could not understand the question.

The question was repeated and graphically explained to the witness, but he still adhered to his statement.

[illegible] Were the witnesses when you sold the cow to Tinio?

A They were not. They were in Sabidanan.

[illegible] Were they when you went back to Lupi the first time?

A I did not hear any thing of them.

[illegible] On what day did you meet at Tinio?

A On Saturday

[illegible] What was the accused doing at that time?

A He was lying down.

[illegible] How do you know that?

A Because I went into the house with the [illegible]

[illegible] What kind of clothes had he on?

[illegible]

[illegible]

[illegible]

[illegible]

Cross-Examination Questions by the Prisoner's Advocate.

Q. What is your name and residence?

A. [illegible], San Fernando.

Q. Do you know the accused? If so, state who he is.

A. Don Francisco Braganza.

Questions by the Court:

Q. Do you remember when the Americans arrived here?

A. On Thursday in February, last year.

Q. Where were you then?

A. In San Fernando.

Q. State all you saw, with whom you were, and what was?

A. [illegible] San Fernando at [illegible] o'clock and arrived at Tarlac at [illegible] o'clock P.M. Thursday.

Q. When you arrived at Tarlac who did you see there?

A. Braganza and his family, and other people whom I don't know.

Q. [illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

A about a year.

Q. Where did you know him?

A. In San Fernando.

Q. What was he doing then?

A. He was a schoolmaster in San Fernando.

Q. How do you know what day the Americans arrived in this country?

A. I remember it well, it was Thursday.

Q. What recalls it so clearly to your mind?

A. Because it was holy week.

Q. Where were the Americans on Thursday?

A. I have heard that they were in Nueva Caceres.

Q. Did you know then, on Thursday, that they were in Nueva Caceres?

A. I know because the people said that they were in Nueva Caceres.

Q. Did you see the accused in San Fernando that Thursday?

A. I did, he was passing in front of my house on his way to Lubin.

Q. At what time?

A. About 6 A.M.

Q. How many persons did he have in his party?

A. I don't know.

Q. Did you see him very well?

A. Yes.

Q. Did he have anyone with him?

A. His family.

Q. How many.

A. I don't know; about five or six

Q. Is that man Braganza seeing in San Fernando that Thursday?

A. I only saw him on his way to Lubin.

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Q. Will you see him the way before?

A. Shall not see him before.

Q. Did you ever see him in San Fernando before this Thursday?

A. Yes

Q. Did he hold any official position there?

A. He was a Major of the regulars.

Q. When you saw him leaving San Fernando Thursday how was he dressed?

A. He was dressed as a civilian

Q. Was he in Tenton when you arrived there?

A. Yes.

Q. Where did you see him?

A. In his house.

Q. What was he doing?

A. Ordering his servants to clean rice

Q. When did you arrive at Tenton?

A. At noon.

Q. How long did it take you to walk from San Fernando to Tenton?

A. One hour.

Q. In whose house did you live in in Tenton?

A. In Braganza's house.

Q. Did you go through Lupsi on your way to Tenton?

A. Yes.

Q. Did you go farther up?

A. Yes.

Q. How many people lived in Braganza's house in Tenton while you were there?

A. I don't know their names, three women and two men in all.

Q. Did you know Braganza's family?

A. Only knew them.

Q. How long did you live in the house with them at Tenton?

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230. A. Three days.

Q. Did you not find out any of their names?

A. No.

Q. What did Braganza do in his house during these three days?

A. He was sitting down, walking in front of his house and sleeping.

Q. Did anything unusual occur on Thursday afternoon?

A. No.

Q. Did you see Braganza on Thursday afternoon?

A. Yes.

Q. Did he go out of his house that afternoon?

A. No.

Q. Did not you see them looking at anything?

A. Braganza was looking, but I don't know what

Q. What was he still doing about three o'clock?

A. Nothing.

Q. If he was a commandant, nothing

A. I don't know.

Q. Did you have [illegible] eat during [illegible]

A. No.

Q. What did you have?

A. On Friday we had beef.

Q. Where did the beef come from?

A. I don't know.

Q. When was the beef killed?

A. On Friday.

Q. Who killed it?

A. The man who sent the cow there.

Q. Did you see the accused on Thursday night?

A. Yes.

Q. What was he doing on Thursday night [illegible]

231. A. Nothing

Q. Did Braganza leave Salem on Thursday?

A. No.

Q. Were you with him constantly?

A. Yes.

Q. Did he leave there Friday?

A. No.

Q. Why are you so sure of that?

A. Because I was in the same house.

Q. What time on Saturday did you leave Salem?

A. 11:00 P.M.

Q. Where was Braganza then?

A. In his house.

Q. Had he been there all day?

A. Yes.

Q. Where did you go after you left Salem?

A. I went to the mountains

Q. Did you hear or see any signs of the Americans while you were at Salem.

VL A. We heard the report of a cannon.

Q. Did you hear the second answer, while in his house?

A. I am not sure that

Q. Do you [illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

Q. Do you remember [illegible]

A. Yes.

Q. Do you remember Cavite.

A. Yes.

Q. How near to there his Sundays was the day on which [illegible] was killed?

A. It was very far from that.

Q. How far?

A. Over a month.

Q. On Friday the one was killed, on Saturday [illegible] On Sunday what feast was it?

A. There was no feast.

Q. Was there a feast on the Sunday before?

A. No.

Q. Was there a feast his Sundays before?

A. No.

Q. Was there a feast his Sundays after?

A. No.

Q. Is it possible that five Sundays could [illegible] feast day on one of them?

A. Yes.

Examination by the Commission

Q. Did you hear of any Spanish prisoners massacred at Cavite?

A. No.

Q. Where were the insurgents at this time?

A. I don't know.

Q. Was the accused, Bragança an insurgent official at this time in San Fernando?

A. Yes; he was a major.

Q. Had he an office in the police of San Fernando?

A. I don't know.

A. Yes.

Q. Do you remember Cook?

A. Yes.

Q. How near to three his Sundays was the day on which [illegible] was killed?

A. It was very far from that.

Q. How far?

A. Over a month.

Q. On Friday the one was killed, on Saturday [illegible] On Sunday what feast was it?

A. There was no feast.

Q. Was there a feast on the Sunday before?

A. No.

Q. Was there a feast two Sundays before?

A. No.

Q. Was there a feast two Sundays after?

A. No.

Q. Is it possible that five Sundays could [illegible] feast day on one of them?

A. Yes.

Cross-examination by the Commissioners.

Q. Did you hear of any Spanish prisoners [illegible]

A. No.

Q. Where were the insurgents at this time?

A. I don't know.

Q. Was the accused, Bragana an insurgent official about [illegible] time in San Fernando?

A. Yes; he was a major.

Q. Had he an office in the police of San Fernando?

A. I don't know.

233. Q. Did you hear a conversation later on Thursday
you were mentioned having been?
A. No.
Q. Did you see the accused wear an Insurgent uniform on
Thursday Friday or Saturday?
A. No.
Q. Did he wear an Insurgent uniform in San Fernando?
A. Said was native
Q. Could you not have noticed if he had worn one?
A. Should have noticed
Q. What clothing did he wear just before leaving San Fernando
A. A white civilian dress
Q. Could it happen that you heard in Bagumbayan since while in
Cabiao?
A. Because we were friends
Q. Are you a relative of Bagumbayan any member of his family?
A. No.
Q. Are you a native?
A. Yes.
Q. [illegible] members of his family also natives?
A. Yes
Q. [illegible] the church?
A. Yes
Q. [illegible] exhibition under that [illegible] shelter
[illegible] window
Q. [illegible] the wall
Q. [illegible] that you saw [illegible] that time?
A. [illegible]
Q. [illegible]
(The Court)
Q. [illegible]

Nueva Caceres, Camarines, Sur, P.I.

August 3. 901.

The commission met, pursuant to adjournment at 9. AM.

Present:

All the members of the commission and the Judge-Advocate.

The accused, his senior counsel Mr. Francisco Alvarez, the

interpreter and the reporter were also present.

Captain J.T. 11th Cav. 3d Cavalry, junior counsel for the defense was absent sick.

The reading of the proceedings of the previous day was dispensed with.

The accused requested that the commission grant a continuance until 9.00 AM. August 5th to enable him to prepare his defense.

The commission granted the request and at 9.30 AM. adjourned to meet at 9.00 AM August 5th.

H. Allen Lynch

Captain 28th Infantry,

Judge-Advocate.

Nueva Caceres, Camarines, Sur, P.I.,

August 6th, 901.

The commission met pursuant to adjournment at 10:00 A.M.

Present:

All the members of the commission and the Judge-Advocate.

The accused, his counsels for the defense, the interpreters, and reporter were also present.

The reading of the proceedings of the previous day was dispensed with.

The accused offered no further testimony or objection, submitted his written statements in the defense which were read in the commission and are hereto appended and marked respectively "A" and "B".

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The statement referred to as "F", being written in the Spanish language, was interpreted to the commission; English translation of same made by the Inglish-Spanish Interpreter of the commission, is hereto appended and marked "G."

The commission at 11:30. A.M. adjourned to meet tomorrow the 7th inst. at 10:00 A.M.

Wm Wisner,
Captain 28th Infantry
Judge-Advocate.

Cinco Cáceres, Camarines, Sur, P.I.
August 7th 1901.

The commission met, pursuant to adjournment at 10:00 A.M.

Present:

All the members of the commission and the Judge-Advocate.

The accused, his senior counsel Mr Francisco Alvarez, the interpreters, and the reporter were also present.

Captain J. F. McClain, 7th Cavalry, Junior counsel for the defense was absent.

The reading of the proceedings of the previous day was dispensed with.

The Judge-Advocate submitted and read to the commission a written reply, which is hereto appended and marked "H", the same being interpreted to the accused.

The accused and judge-advocate then withdrew and the commission was closed, and finds the accused, Fronsisco Braganza:

Of the specification, 1st Charge: "Guilty, excepting the words 'to treas', and of the excepted words, Not Guilty."

Of the 1st Charge: "Guilty."

Of the specification, 2nd Charge: "Guilty".

Of the 2nd Charge: "Guilty."

Of the specification, 3rd Charge, "Guilty".

Of the 3rd Charge, "Guilty".

And the commission does therefore sentence him, Francisco Braganza:

"To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein."

The judge-advocate was then recalled and the commission adjourned to meet at the call of the president.

[signature]
Major 7th Infantry,
President.

[signature],
Captain 7th Infantry,
Judge-Advocate.

Of the specification, 3rd Charge, "Guilty".
Of the 3rd Charge, "Guilty".

And the Commission does therefore sentence him, Francisco Braganza:

"To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the Commission concurring therein."

The judge-advocate was then recalled and the Commission adjourned to meet at the call of the president.

A. Williams
Major 7th Infantry,
President.

Thos. Rynedr,
Captain 7th Infantry,
Judge-Advocate.

Of the specification, 3d Charge, "Guilty":
Of the 3d Charge, "Guilty".

And the commission does therefore sentence him, Francisco Braganza:

"To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein."

The judge-advocate was then recalled and the commission adjourned to meet at the call of the president.

J. Williams
Major 76th Infantry,
President.

Thos. Rymer,
Captain 38th Infantry,
Judge-Advocate.

HEADQUARTERS DEPARTMENT OF SOUTHERN LUZON.

Manila,P.I., September 6, 1901.

In the foregoing case of Francisco Braganza, native, the proceedings, findings and sentence are approved.

Conformably to the provisions of paragraph #4, General Orders #64, Headquarters Division of the Philippines, August 10th., 1900, these proceedings are forwarded for the action of the Commanding General of that Division.

BRIGADIER GENERAL U.S.A.

Commanding.

HEADQUARTERS DIVISION OF THE PHILIPPINES.
MANILA, P.I., September 26th 1901.

In the foregoing case of FRANCISCO MAGAHEA, native, it appears that this accused had been a lieutenant of police of San Fernando and recently appointed a major in the insurgent forces. That [illegible], at Malalabag, a party, by roll-call, of one hundred and seventy-three Spanish prisoners, were delivered to him for the ostensible purpose of being conducted to a place of greater security from the approaching American troops. It appears that from high sources of authority, among the insurgent chiefs, the most stringent orders had been given to prevent their rescue by the Americans.

At the time the accused took charge of these prisoners, they were footsore, weary and half-starved; their hurried marching and large number apparently overtaxing the available means of support which the presidentes of the pueblos through which they passed had at their ready disposal.

Apprehension of the sudden appearance of the American troops caused confusion and disorder among the guard and police, which composed the escort under the orders of the accused, who, on the 23rd day of February, 1900, the morning following the day he assumed charge of the escort, proceeded to have the arms of his prisoners bound at the elbows with cords drawn across their backs, so as to render them comparatively helpless. This was the first act of unmistakable indignity imposed upon the prisoners, who, up to this time, had been treated with some kindness. Knowing the habits of the people in whose hands they were, to bind and make helpless one doomed to death, the prisoners must have readily interpreted its sinister meaning. The next act of the accused was to cause the prisoners to be searched for money and valuables and to appropriate the lion's share to himself. The prisoners were then told off in detachments of ten men, more or less, with a suitable guard placed over each. They were then

conducted to the rice field, a short interval being preserved between the detachments. At a preconcerted signal, the blowing of a whistle by the accused, the guards fell upon their victims and slaughtered them with daggers, bolos, clubs and spears; the accused standing by, encouraging, directing and urging on the barbarous assault.

Those of the victims who were strong enough, bound as they were made a break for liberty and the accused ordered them pursued and killed. On the following morning it was reported to accused that thirty of the escaped prisoners had been recaptured at Lupi, whereupon he proceeded there, ordered them bound, conveyed to the woods, and again the scenes of the preceding day were reenacted. Returning to Lupi, accused found another party of his recaptured victims and these, in turn, were bound and led to death.

Such are the established facts in the foregoing case, offset by a weak, ineffective and wholly unconvincing attempt on the part of the accused to prove an alibi.

From official records it appears that about one-half of the prisoners escaped and, after devious wanderings under cover of the tropical vegetable growth and wooded lands, in small parties and after much suffering, finally reached safety within the American lines.

In this relation, it is deemed fitting ti cite the now historical fact that the chiefs of the insurrection, in pursuance of a deliberate policy, did their utmost to prevent the United States from fulfilling its desire and assumed obligation to employ its best efforts to return Spanish prisoners in the hands of these chiefs to Spain. In what manner this cruel policy could serve the cause of the insurrection, passes ordinary comprehension. This much is true, however;

Out of the spirit of this policy and the stringent orders issued to their subordinates that they should by all means in their power prevent the rescue of Spanish prisoners by the American troops, sprang the motive for a crime in which they must bear a full share in the responsibility. That these chiefs made the act of the accused their own, is evidenced by the fact that they did not bring him to trial therefor, nor cease to continue him in office, thereby in effect extending to him their approbation and confidence. In this, it is believed, they betrayed the better sentiments of the Filipino people and demonstrated their lack of comprehension of the means of governing humanely and wisely. History w ill surely record against them large responsibility for this, the most barbarous and revolting massacre of helpless prisoners known to the modern history of war.

The sentence, approved by the Department Commander, is confirmed, and will be duly executed at Nueva Caceres, Camarines Sur, Luzon, P.I., on the fifteenth (15th) day of November, A.D. 1901, under the direction of the Commanding General Department of Southern Luzon.

Major General, U.S.A.,
Commanding.

Recibi de paso por este pueblo para el inmediato de San Fernando, las personas de ciento setenta y tres prisioneros Espanoles que entrega el Teniente Milicias Sr. Cesario Cantor.

Pamplona a 21 Febrero 1900.

El Comdte de M. T.

Lucas dela Paz.

A true copy.

[illegible]

Captain 28th Infantry,

Judge Advocate.

Appendix "C"

Se ha recibido en esta Jefatura Local del Capitan de Milicianos Senor Felipe de la Paz los ciento setenta y tres prisioneros espanoles procedentes de Pamplona.

S. Fernando 21 Febrero 1900.

El Presidente Local.

Jose Galicia.

Nota--menos uno quedarse en la visita de S. Gabriel por enfermo.

A true copy,

[illegible]

Captain 23th Infantry,

Judge Advocate.

Recibi al Capitan de la M. T. Sr. Felipe de la Paz un Espanol Mateo Perez por ser un puedo caminar por que esta inferno, y para que conste firmo el presente En San Gabriel 21 de Febrero de 1900.

Narciso Candelaria.

A true copy,

Wm. Cohen
Captain 28th Infantry,
Judge Advocate.

Appendix "6"

(N)

To the President Military Commission.

present.

Sir.

I, the undersigned counsel for the defense of the accused Francisco Braganza, having heard that Capt. McBlain, my associate for the defense is ill and unable to attend court today; and as his absence assistance, in the most important part of the case, may alter the course of the defense; and considering that his indisposition is probably transitory, I beg the honorable Commission to adjourn this session till Capt. McBlain is able to be present or to such day or date you should indicate.

Seat of the session, 20th July 1901.

(Sd.) Francisco Alvarez.

(Sd.) Francisco Braganza

Translation

"D".

The accused Francisco Braganza has just informed me that since yesterday, he has been "incommunicado" (isolated) and not knowing the cause or reason for same, beg the respectable Commission will kindly let the accused know their reasons, and in case it be of such a nature that will soften, without injuring the right administration of justice, further beg to raise the said state of incommunication.

(Sgd.) Francisco Alcantara

(Sgd.) Francisco Braganza

I)

-A la Honrada Comisión

El infrascrito que suscribe en
Nacional Mexicano Diputado
indicado tiene a bien decir que
el Sr. Capitán Mc Blain que cred
para con el en la defensa de
sus propios intereses de salud
y familia. Antes de
ir fue en mi ausencia
la Sra. con su hermana
Pedro, pedirá información del
Sr. Lo defensa
la Comisión de
solo se abstendría
los dos Peritos en
cuanto de dicho
considerando por
Sra. Capitán
su hospital
de Comisión
dar la
sión de
Valladolid
José el
Capitán
Ferrer

"D"
243

"D"

244

Duty Judge

Attorney's
Stenciled upon
Negligence
Continuance

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Sin Caballeros

de este honrado Concejo.

Juicio sin Abogado es la más cruel derisión, mandando los Reales Fueros Leyes de la causa que contra el reo se sigue hagan defensa sobre y verdad de los fechos la misma encausado, o defensor que se haya nombrado como tal Letrado, ante un respetable Autoridad, y en la forma que más breve, sustanciosamente convenga a dicho. Que la Honorable Comisión, administrando justa y cumplida justicia, se ha de servir absolver libremente al acusado Ramón Fragoza acordando inmediatamente su libertad, pues así procede y es de hacer, dando por los motivos de dicha causa como son las razones que pasa a exponer.

Señores Caballeros de la Comisión, la gravedad de la acusación, la de la enormidad de los delitos, crímenes de ella y los detalles horrorosos de su perpetración que si algo no cometió y no delinquió, han llevado a este la defensa misma que no la ignora en este proceso hacerse a la idea, la convicción firme de que mi mal trabajo no cuenta con la acusación con la credencia que se merece por la ley, la inocencia de un defendido.

Al hacer estos que cuenta el mismo de defensa, procedo del testimonio de dos testigos que fueron al parecer los elementos más importantes de todos los delitos en cuanto a ellos hablan relación por orden del acusado Fragoza en su cometido de este Crimen de ellos y Comando de Celina la Sin Corazón habiendo dado la orden hechos terminantes en ellos como de las causas de que aquí se

Vése, es cierto, digno de crédito ese testimonio en lo que se refiere á mi defendido? La divergencia, variedad y contradicciones de que se halla plagado, contesta rán inmediatamente que no. Porque, si la uniformidad es característica en los hechos y dichos con caracteres propios de la verdad, en cambio la divergencia, contradicción y variedad en ellos son signos evidentes del error y de la falsedad.

Que adolece á simple vista de tan sustanciales defectos el testimonio de los testigos de cargo, que analizamos le mencionar, es lo que en primer término habremos de demostrar, á fin de corroborar una vez más si de ello necesita, la fuerza probatoria de las declaraciones de los de descargo no destruida ni mermada por contraprueba alguna.

Mas, antes de intentarlo, sea me permitido recordar los siguientes

Antecedentes

Con motivo del entonces inminente arribo á estas playas de las fuerzas americanas espedicionarias para la ocupación militar de esta provincia de Ambos Camarines el 20 y 21 de Febrero de 1900, algunos prisioneros Españoles hechos por los filipinos en la guerra revolucionaria contra España en número de 173, que á la sazón se encontraban en Libmanan bajo las órdenes de las autoridades filipinas allí constituidas, fueron remitidas por estas para su reconcentración en puntos más apropiados de la provincia, recorriendo por consiguiente desde

WESTCOTT ← BULER

libraban las pueblos de Pampanga, San Fernando, Mexico y C. S. Cáceres y retornando de este á San Fernando para ser al dia siguiente conducidos á Minalabag, lo que se realizó por medio de algunos individuos de Policía del penúltimo pueblo, y de Minalabag al sitio de Tranuan frente la Visita de Baliuag de la jurisdicción del mismo Minalabag donde pernoctaron bajo la vigilancia de sus conductores hasta la mañana del Viernes 28 de Febrero del expresado año 1900; resultando de autos Antecedentes los siguientes

Hechos

Pronto se supo que varios de dichos prisioneros en número de 103 fueron asesinados, robados y mutilados, de los que solo fueron conocidos los llamados Antonio Riana, Manuel Lobo, Antonio Conjo y Sebastian Muñoz y después se vino tambien á saber, que lo fueran por los Policias de San Fernando y Milicianos de Minalabag que habian sido sus conductores, los que lo ejecutaron, segun ellos por orden del acusado Francisco Braganza quien les dió dicha orden personalmente en el mismo sitio de la matanza, quedando allí insepultos para ser comidos de los perros, habiendose reproducido la misma trágica escena en la Visita de Lupi el dia siguiente 28 de Febrero del propio año. Asi se desprende sustancialmente de las declaraciones prestadas ante esta respetable Comision por los testigos Policias de San Fernando Adriano Muñoz, Leon Ybon, Eusebio Bartolome Naora, Patricio Alimagno y Canon Cruz, asimismo los que fueron queridas de los prisioneros fusilados y muertos llamadas Guadalupe Felix Clemente, Lucas

ción Capellan y Ambrosia Escalante quienes, si se exceptuan esta última y Patricio Mimagño que dijeron terminantemente no haber visto la persona de Francisco Braganza en el sitio de la matanza donde los otros dicen haberle visto dar orden de amarrar á los prisioneros, recogerles el dinero y alhajas y matarlos, dán detalles horripilantes de la ejecución de esos delitos en forma tal que resultan más bien imaginarios y fantasticos que reales, sin haber podido esplicar satisfactoriamente, como estando, segun ellos, vestido de Comandante de Infantería el acusado Braganza, y afirmado algunos que éste iba delante de la Columna de viaje formada por dichos prisioneros, no hubiesen logrado verle todos en un punto determinado y uniformemente desde Meinalabag al sitio de Iraan y de este á los altos de aquel, que era donde, segun dichos testigos ejecutaron las ordenes de Braganza á la señal del sonido de un tiro, segun algunos, de palabra y al son de una corneta, otros; de donde resulta que sus declaraciones, siendo entre sí inconciliables, incoherentes y contradictorias, no pueden ni deben ser aceptadas como pruebas de evidencia en juicio; antes por el contrario favorecen de un modo decisivo el acto de la prueba mayor de inocencia que puede darse en derecho que en el procesal español es conocida con el nombre de coartada como la que en su favor aduzca en esta causa el Acusado Braganza, para justificar que desde el Viernes 22 de Febrero de 1896 hasta el Domingo 25 del mismo mes y año, en que se cometieron los sanguinarios delitos que se persiguen y encarecidamente en el sitio de

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Tengten, jurisdicción de San Fernando sin haber salido de él durante ese tiempo para otro punto alguno, como así declaran unanimamente sin haber incurrido ninguno de ellos en contradicción alguna, como há tenido ocasion de comprobar esta Sumaria Comision, los nueve testigos citados al efecto, que fueron Ludovico Pedula, Maria Abad, Jose Fernando Paulino Perez, Domingo Verdeliga, Mariano Pascal, Juana de Vera, Dionisio Montesoro é Hipolita Mellion.

Resulta pues evidenciada la inocencia del acusado Francisco Bragança é indiscutible su no participacion é intervencion en los delitos, origen de este proceso. Pero, como quiera que la infundada sospecha engendrada contra el acusado de haber ordenado á Bragança de los Españoles prisioneros hubiese dado lugar de la circunstancia de ser Gerente del empleo civil de Delegado de Policia de San Fernando en el pasado Gobierno Provisional y despues el militar de Comandante de Caballeria al que fué nombrado á primeros fines del año próximo pasado á la defensa de esta Plaza no y conducente descubrir tal sospecha fuese obra exclusiva de la ignorancia ó error ó malicia de cierta parte del Vecindario estando en esta hipotesis interesado en causa propia las mas acreditadas personas de esta Ciudad de que, al ser nombrado Comandante de la Plaza hacia fijacion en una de sus esquinas el cual iá que [illegible] Villa de Cadiz, y de ahi que en ese se [illegible] interin se [illegible] en [illegible] y los [illegible] se [illegible] como [illegible] de Justicia [illegible] su residencia [illegible]

Febrero á las ordenes del Coronel Feria, para ejercer, como efectivamente ejerció, el cargo de Inspector sin fuerza alguna á su mando, de los fuertes de la cordillera á línea desde esta Capital de Vigan hasta Ellenguerin y Tinambac, pueblos que se hallan al Norte de San Fernando y Ellivalabag, sobre cuyos extremos han contestado afirmativamente los Sres José Galicia ex Presidente local de San Fernando en el regimen filipino Venancio Reyes y Juan Camacho ex oficiales del Ejercito revolucionario.

Con este resultado del proceso que nos ocupa, la defensa no cree necesario discutir, para su objeto, si existieron ó nó los asesinatos, robo y mutilaciones de que aquí se trata, ni menos si se cometieron en la forma horrible, salvaje y canibalesca en que lo refieren los testigos cada cual á su manera; pero sí, exponer algunas consideraciones encaminadas á reivindicar hasta donde sea posible, el honor del pueblo filipino que resulta mal parado á los ojos de las Naciones cultas y civilizadas del Mundo, con la relacion fantaseada de hechos, que, si realmente existieron, lo cual no aparece plenamente comprobado, no debian á juicio de la defensa resolver por causas ~~altas~~ de caracter político, como consecuencia del ideal que condujo ciegamente al Campo á gran parte de los filipinos que han demostrado en otras ocasiones, durante la lucha en mala hora emprendida contra el gran Ejercito de la Union, abrigar en sus pechos los nobles sentimientos de generosidad para con los vencidos, siendo los primeros en protestar ante la faz del mundo

contra alguno que sobre este particular se oponga, pero esta seria inevitable en toda reunion, principalmente de los de esta Provincia donde es propia y de ellos son todos algunos Estados que en estos tiempos hubieron sacrificado durante la guerra que todos los Provinciales unidos a esta Capital de Gobierno dieron pruebas ciertas a costa de sus haberes, pudiendose creer tales cosas inverosimiles que si algunos fueren creidos en todos estos tiempos y años no fueren, sino por el contrario que en el todo se desarrollase con cualquier de la nueva, como en todas partes suele ocurrir en toda transformacion social, y de que por desgracia fueron igualmente nuestras Provincias.

Por tales consideraciones la detenida y prudente Comision quedara se sirva fijar esta causa contando le su solicitud al principio de la nueva, por ser todo de justicia que pide &c. &c.

Villa Caceres 5 de Agosto de 1811.

Appendix "F."

If it please the Commission:

The defence in this case approaches the final phase of the trial, with feelings of relief and thankfulness, fully as sincere and heartfelt as those felt by the Commission.

The circumstances of the case compelled the examination of so many witnesses as to prolong the trial far beyond the period usually occupied by a Military Commission, in the determination of a cause and yet, it seems to me that there was ~~no~~ one minute of time occupied that the conditions did not demand and call for.

The questions and interests ~~in th~~ involved in this trial, have been too momentous, too far reaching in their consequences, and of too vital an importance to the accused, to permit of a too hurried and immature a trial.

Francisco Braganza, stands charged before this Commission, with having with malice aforethought,

"Order and cause the killing of a number of Spanish prisoners, he being present, directing, aiding, abetting and encouraging, the killing."

"With causing or allowing the dead bodies of certain Spanish prisoners, to be mutilated denuded of clothing, and left unburied to be devoured by dogs."

"With taking, stealing, carrying away, or cause to be taken and delivered to him, all money, jewelry and other valuables. found on the bodies of certain murdered Spanish prisoners."

All this is alleged to have been committed at or near Baliaug, Province of Camarines Sur, P.I., on or about February 23d 1900.

"F"

Entering the trial as he does with the mantle of presumed innocence thrown over him, and of which he can not be stripped, the accused calls upon the prosecution to prove each and every one of the

allegations contained in the specifications to the charges made against him, it is incumbent upon the prosecution, to prove beyond a reasonable doubt, the allegations made against the accused, and until that is done he stands innocent before the world.

We do not need, for purposes of this argument to follow the prosecution in its journey with the Spanish prisoners, who were in the hands of the Filipino authorities at the time of the approach of the American forces, to this section of the Island of Luzon, they were sent from Nueva Caceres to Libmanan, and then to Pamplona, to San Fernando, Milaor, Nueva Caceres, again, and back to Milaor and San Fernando, where they stopped the night of February 21st, on the morning of the 22d they were sent to Milaor again, but as all was terror and confusion there on account of the reported advance of the American forces, no one would assume charge of these prisoners, and they were hurried to Minalabag.

While at Libmanan we are let into the secret of the orders given by the Filipino authorities, concerning these Spanish prisoners, and we consider them to be somewhat material in considering the circumstances of this alleged offense. Major Ureera testifies that he was ordered by the superior officer of the Filipino troops, in this section, General Guevero, to notallow the Spanish prisoners to fall into the hands of the Americans "under any circumstances", and added that these orders were also given by Aguinaldo. and further that those orders were given to each succeeding subordinate in charge of these prisoners and we have it from the lips of the man who had charge of the prisoners when they started on the final trip from San Fernando, that those orders were given them, we will defer elaborating on this matter, until later.

We take Manalabag and February 22d as the time and place where the prosecution first attempts to connect the accused with the

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alleged killing of the Spanish prisoners, to get there the prisoners were sent out of San Fernando for Milaor, Minalabag was not thought of at the time, Lebon, a witness for the prosecution, and to whose testimony we expect to pay some little attention, claimed that although Corporal Tranquilino Vicentio was with them, and he had gotten the orders with reference to the prisoners, that he Lebon had charge of the prisoners although his superior non-commissioned officer was present, but subsequent questioning brought out the answer that they "both were in command", I suppose we will be told that that is a trifling matter, and the circumstance unimportant, to whom?, to the prosecution?, well if it is Lep Gen. have it so, but to us it is not so ~~important~~ unimportant as might be thought, the sands of the sea are made up from small particles, the mighty avalanche, the onrushing floods that overwhelmed Johnstown, were each and all made up of small particles, and it is because of the close relation of small and apparently insignificant circumstances, to the larger affairs of the world, that we propose to pay attention to every circumstance of this case, and bring it before the Commission for its consideration.

One of the witnesses for the prosecution, Bartolomeo Nora, was exceedingly exact about Braganza's connection with the prisoners while at San Fernando, the last time, he says that as a sentinel he got his orders from Leon Custodio, but that they came from Braganza, how did he know?, he did'nt know, his imagination was at work, again he testified that Braganza ordered the prisoners to Milaor, immediately he says he did not hear any orders given, but that Braganza gave the Corporal a paper, all this occurred under direct examination and was not due to a confusion of the witness by counsel for the accused as the Judge Advocate was kind enough to assert later in the trial. Now mark the readiness of this witness, he says that he left Braganza at San Fernando, and that the prisoners were ordered to Milaor, nothing said about

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Minalabag and yet when the prisoners arrived at Minalabag, there was Braganza ready to assume command of these prisoners although he did no not know that they were going to Minalabag. Why, if the Commission pleas what kind of jugglery is this?, if it was necessary to the purposes of the prosecution to have Braganza at Minalabag, why not send him with the prisoners?, Nora has him there but he did it in such a way as to pu- at under the shadow of improbability.

Witness Leon Lebon, seems to the defense to have been the star witness for the prosecution, and the beauty of his testimony, if such testimony can have beauty, was in the willingness and readiness with which he gave it, and verbal acrobatic tendencies were very interesting, to us, at least, why the facility with which he could evolve from his inner consciousness, contradictory statements, was indeed marvelous.

Beginning with the little episode about the command of the escort when leaving San Fernando, until he was finally excused from the stand, has testimony fairly bristles with contradictions, for the greater part in his direct examination, for all we had to do on the cross examination was to try and straighten him out, but he would not let us , he seemed to revel in the situation into which he had gotten himself, but two days had elapsed between his direct and his cross examination, and his memory failed him and he denied making statements which the record shows he did make. Lebon says he saw the accused at Minalabag, he did no not know what Braganza was doing, he could not tell us what, if anything he saw Braganza doing, whom he was with nor anything other than the fact that he was there and gave orders for taking the prisoners to some other place, he says that this order was given to the Corporal but notwithstanding the confusion of the time and place, incident to the alarm felt at the approach of the Americans, Lebon was conveniently near to hear the order, why that man was ready to tell us that the moon was made of green cheese and that it was so made by Braganza's order, he is

not done yet,his recitation is not yet completed, He saw every movement of Braganza,although the column was according to himself,between 800 and a 1000 yards long,he was about midway,he tells us and the accused was at the front,but distance and improbabilities are nothing to this witness,he could see accused and what matters it if he was giving his attention to the prisoners he was helping to guard,his object was to keep Braganza under observation,and could even relate to us the circumstance that Braganza wore a cap and the uniform of the Militia, mark the acumen of the witness,the guard was partly composed of Militiamen,Braganza's authority is to be shown and his uniform is to go to prove that authority,oh,yes ,Lebon knows that that is an important circumstance and notes it so as to come here and give it to us with so much particularity.

Lupi is some distance to the right of the road from Minalabag to Baliuag,the destination of the prisoners,and Lebon tells us tha the accused stopped at Lupi,and did not go to Baliuag then,he also tells us that he did not see Braganza any more after he reached Baliuag,that Braganza was not at Baliuag that night,but he subsequently says that Braganza was there that night,he says that he dont know where Braganza stopped that night,but he subsequently changed by saying that he stopped up stairs in the house where the prisoners were kept under guard.What a will o'the wisp this man Braganza must have been,he was and he wasn't,he did and did not,he must be possessed of wonderful powers,because we must believe the witness,he is testifying under oath. At first he says he did not see Braganza the next day,that was also changed to say that he did see him.We are told that the man is illiterate and that his understanding is defective,when?,when?,is his understanding defective?,when he is relating circumstances injurious to the accused?,or when his statements are favorable?,we make no issue with the proposition that his understanding is defective,but we would like

would like to know when it is and when it is not.I have no envious feelings toward the Judge Advocate in his preparation af a case like this,

This fatal day February 23d,it is necessary to have Braganza there he must not be permitted to get away,just as sensible to put "Hamlet" on the boards,minus the melancholy Dane,as to have this day go by without Braganza,for in this tragedy he is cast for the star part,his is the master mind that is to direct the slaughter that is to take place.

Lebon puts on his thinking cap,oh,yes,of course Braganza was there,how could I be so thoughtless?,aye,my friend that is what false statements are often called,thoughtlessness,but it is to that thoughtlessness,so called,that we propose to pin this witness,if Braganza had been there do you think that the witness,who had observed Braganza so carefully as to come here and relate the facts of his every move ment with such circumstantiality,would have forgotten it?,no he would not. And it took considerable questioning by the Judge Advocate,to make the witness remember that Braganza was there. Lebon now takes us away from the neighborhood of Baliuag saying that the prisoners were"taken to the woods",arriving "at the woods"about noon.Going along smoothly in his testimony he suddenly startles us with the intelligence that although they were at the woods,"there were no trees",unfortunate circumstance,why Braganza is charged with having had the Spanish prisoners tied to trees and killed while in that defehseless condition,but Lebon has not left the stand yet,he is not going to leave us in a treeless woods,his memory is being helped,at soon recovering he fishes from the inmost and deep recesses of his wonderful mind,a tree, he tells us,yes,there was one tree,and that allegation is saved from the hands of its friends.

On the march to this place,Lebon tells us,some of the prisoners dropped out from fatigue,and were killed by Braganza's orders and Braganza was at the head of the column,he also told us that the

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day before one of the prisoners was killed without orders.

Lebon swears that thirteen policemen and thirty militiamen guarding 173 prioners,bound and helpless,are suddenly ordered to start in on the destruction of the prisoners,they seemed to be so slow about it that Braganza is said to have told them to hurry up and finish the job before dark,and yet with all this preconceived purpose,with a whistle for a signal,with the escort all armed,out of one hundred and seventy three helplessly bound prisoners,only ten were killed.I do not stand here as an apologist for crime,and I say that if only one had been killed,it was cruel and inhuman,but my purpose is to direct your attention to the improbability of concert of action or that there was any understanding or any directing mind. Lebon acknowledges that he helped to do the killing,that he was armed with a dagger and that some of the prisoners were killed with a dagger.There is no testimony to show that there had been agreed upon signal,one of the witnesses says that Braganza did not blow a whistle,no signal having been agreed upon how did these poor compnents of the escort know what was meant by the blast on the whistle,even if there was one?.

He also says that the killing was done by the Minalabag people,that the San Fernando police assisted,but he did not know who did, on cross examination he was able to give us the names that he did not know on direct examination.

It is about three hours journey from the place of killing to San Fernando,Lebon says the prisoners arrived at the "woods" at noon,t all the time necessary to kill these men in a running massacre,was so occupied,and yet Lebon got back to San Fernando at two o'clock,that on his way back there he went by Lupi,asked if he saw Adriano Nunez there he said that he did not,that he did not go into the town but skirted it,asked if he had not told Nunez ,in response to a question by Nunez,as to the whereabouts of the prisoners,"that the prisoners

were to be killed and they had come away as they did not want to see it", repled that he had told Nunez that, then he was asked "how could you tell him that if you did not see him", and to this he made answer "Yes, I saw him".

Lebon testifies that he saw the accused collect, and have collected for him the valuables from the bodies of the dead Spanish prisoners, after the killing. The next witness for the prosecution, says that the valuables were taken fron the prisoners the night before, another witness for the prosecution, says that they were taken the morning of the 23d before starting for the "woods".

"One says it is an owl, another says him nay;
A third says it is a church with the steeple blown away".

All the witnesses for the prosecution are guilty of the same character of contradictions, they not only contradict each other, but contradict themselves. one witness says that there were two Commandos present, and that they were equal in authority, that he got his orders from Major Innocetio, the next morning, he said that he got his orders from Braganza and asked why he had changed he replied "Braganza was my superior and w whipped me once and I am afraid that if he gets out he will kill me",

One witness for the prosecution testified that the escort was increased by order of the Presidente, the Presidente says that he had nothing to do with the prisoners, that he only saw them as they passed his house. Another says he heard the Presidente give the order, but at the same time had not seen the Presidente because he was out in the rice fields.

I have not gone over the testimony of all the witnesses for the prosecution, in detail, for the reason the Lebon is representative, and when you have his testimony, you have it all, all theother testimony is simply cumulative.

The old rule of practice in the civil courts, was that wit-

nesses with a strong and present interest in the outcome of a cause, were excluded as incompetent, that rule has been modified, and we think properly so, so that now, the question of interest goes to the credibility of the witness, and it was because of this change in the rule, that no objection was made to the witnesses for the prosecution, intending to make that a point in our summing up.

Dr. Reid in his celebrated work on "The Human Mind", takes the position that the natural impulse of the human being is to at all times tell the truth, and that theory seems to be of universal application save and except where one is subject to temptation, and that the amount and strength of temptation required to make one depart from the path o of truth, is dependent upon the ~~strength~~ moral strength of the person,

We believe that to be a self evident truth that man's natural impulse in his intercourse with his fellow man, is to tell the truth, if that were not true we would be in a lamentable condition indeed, and our opinion of the testimony of the witnesses for the aoprosecution is not disturbed at all, we do not say that these men are habitual prevaricators, but we do say that they are so saturated with interest in the result of this trial, that there is for them a terrible and strong temptation to lie, to the end that Braganza may be convicted of having as the superior officer present given the orders to kill these Spanish prisoners. and.

> "One lie must be thatched with another, or it will soon rain through".

Are we asked, wherein does the interest of these witnesses lie,? we will tell you, they are all, with the exception of the women, self convicted murderers, they tell us on they stand, under oath, that they participated in the killing of the prisoners, at the same time endeavoring to make the degree of their participation as small as possible.

The women from their peculiar relations with some of the victims are naturally desirous of revenge, it matters not so much to these witnesses that Braganza be convicted, as that some person be made to bear the responsibility of leadership, so that their wishes may be gratified or their fears placed at rest, but here is Braganza arrested and we can see to it that he is made the scape goat, they have a most decided interest, that of particeps criminis, if their testimony is to be believed, and they fall under the exception cited by Dr. Reid, and from being of a class of weak minded people, so far as the rights of others are concerned, they are ready and willing victims to the temptation to get out of this matter as easily and speedily as possible, and thus serve their present and burning interest, therefore we claim, and justly too that degree of credence can not be given to their testimony, as it would be entitled to if without interest and contradictions.

The witnesses for the prosecution all testified to being with Braganza at Tintin on the 22d 23d and 24th of February, where he w was before that or afterwards is not necessary to the purposes of this trial, we are not required to follow him to any other place that he may have gone to at any other time than that when this murder was committed, we put on ten witnesses, each and every of whom left the stand unimpeached and unsmirched, they were not shown to have any interest in the result of this trial, unless it might be that felt by every good citizen who likes to see right and justice prevail, these ten were supported by Nicolas Comacho a witness for the prosecution who says that he went from San Fernando with Braganza to Tintin on the day the Americans entered Nueva Caceres, which was February 22d 1900.

Now we hold that we are not asking too much when we contend that our witnesses are more worthy of belief than are those of the prosecution, and we have given our reasons for our contention, the witnesses for

for the defence are devoid of interest, so far as the record of this trial goes, and that is what is before this Commission, but the witnesses for the prosecution all have a deep interest, we do not say this, the record says it, we do not charge them with interest, they themselves say ft.

And this, may it please the Commission is the testimony upon which you are asked to convict this man, this is the evidence uon which is expected at your hands a verdict of guilty as charged, this is the testimony upon which it is thought you will send this man to the scaffold, we have no such thought, for be it far from us to believe that a Commission composed of American officers is so devoid of the dictates of justice as to convict a man on such testimony as has been presanted in this case.

We know that the United States government has a peculiar interest in this case, we know that our government, which we reverence so deeply and will go to the utmost in sustaining, is obligated by Treaty stipulation, is obligated by the Laws of Nations, is obligated by the dictates of humanity, to throw around the alien the same measure of protection that it does around its own citizens, and failing that to seek out and punish the perpetrators of offences against the aliens residing within its borders, we concede to no man first place in recognition of those obligations, but we do hold that it requires better evidence than this case has been presented, to make that government say th thou art the man. If we were not estopped by the rules governing the presentation of an argument limiting us to fact brought out on the tri al, we might indulge in length remarks concerning the influences that are at work in this case, how that the representative of Spain's sovereignty has taken a decided position against the accused, on representations made to it of course, it dont say that this man is guilty, but demands that if he is guilty that he be punished, that is right, we do

take issue with them on that proposition, we might call your attention to the fact that there is an element in this community who desire the conviction, that is provided the Commission finds that he is the respon sible party, that is right, where would we be in foreign lands, where would our safety be if our governmentwas careless of us, why it does not require any strain on our memory to recollect the incidents con- nected with the killing of the subjects of the King of Italy, in New Orleans, nor the killing of the subjects of the Emperor of China at the collierys at Rook Springs, Wyoming, where our government established a m military post so that those people should be protected in their rights "lif, liberty and the pursuit of happiness", the only thing we do ob- ject to is the influence that might have grown out of these interests on the witnesses in the case.

Quantity is not so potent in determining credibility of tes- timony as is quality, and we feel safe in that respect, it wont do to say that they probabilities are that the witnesses for the prosecution were as truthful as were those of the defence, for the fact stands that while the testimony of the witnesses for the defence is devoid of any suspicious circumstance, as shown by evidence, that of the witnesses for the prosecution teems with contradictions and the witnesses are self confessed interested parties, it wont do to say that perhaps cross exam ination of the witnesses for the defence, might have shown up inaccura- cies, for the opportunity for cross examination was present, and being waived leaves the testimony intact, and it can not be attacked.

We do not care to place too much stress upon the influences exerted by the prosecution in the examination of its witnesses before placing them on the stand, and I want to right here to disavow any in- tention to impute any improper motives or practices to the Judge Advo- cate of this commission, if I did not have the confidence in his integr rity and honesty of purpose, that I have, I would have hesitated about t

taking part in the case at all,but the fact remains that it is more than probable that in the frequent examinations and investigations, the number of times these witnesses have been required to tell their story that their minds have become so surcharged with the desires or hopes o of the prosecution, that the Judge Advocate has unintentionly and unconciously directed the minds of these people into the grooves that would serve to substantiate the claims of the prosecution, an unconcious misstatement of fact or unintentional exaggeration has just as much effect upon the mind of those who hear it as a deliberate and wilfull perjury, and is just as hurtful to the person against whom it is directed.

Polonius was not bribed, he was not cajoled, he was not purchased into exclaiming "'tis very like a whale" no his doing so was simply a desire to drop into and humor the phantasy of the diseased brain of his demented Prince, and that is our position on this proposition, we believe that the prosecution in its numerous questionings of these witnesses gave direction to their minds, so far as Braganza was concerned.

Do I hear it suggested that their are questions not covered by the testimony, involved in this case?, if it can be possible that there are those who believe that, I say to them, no, there is no question not covered by testimony, that this Commission can consider in its determination of this case, the only question before this Commission is the guilt or innocence of the accused, and that question must be determined by the evidence heard in the case, and the weight given it, no extraneou questions has any lodgment in this case.

Now suppose the Commission, in the exercise of its mature judgment should find that it believed the witnesses for the prosecutio as above those for the defence, it may be pertnent to have presented

to it an alternative proposition.If it believes that Francisco Braganza was present at the killing of these Spanish prisoners,that he did direct the killing,that he was the superior officer present, I say that assuming that the Commission will so determine,and find that way, then we direct your attention to the conditions obtaining at that time we are forbid by the rules governing arguments to call your attention to the fact that but a few weeks before this killing,the Spanish troop had slaughtered over five hundres natives in the neighborhood of Daet, this estoppel prevents our urging that in extenuation of the offence charged in this case. You are familiar with the facts of these prisoners being sent from pillar to post,no one would take care of them,the commanders were successively ordered not to permit them to fall into the hands of the Americans under any circumstances,under penalty of death. This order was primarily from Aguinaldo and it does not require any stretch of imagination to determine what that meant,"under no circumstances let the Americans get them",that meant nothing more nor less than that if the Americans pushed them too closely the prisoners were to be killed,there can be no other interpretation of the language.Aguinaldo who advised his befooled followers to take up the Guerilla warfare against the Americans,was not any too good to give such orders as would forever silence any of the adherents of his old enemies, that he might have in his hands,and that is where the responsibility f for the murder of these prisoners belongs,no matter who was directly charged with,or carried the orders out.

Owing to the reported arrival of the Americans government wa succeeded by chaos ,excitement and fear possessed every one,and actin under the orders to not ermit these prisoners to fall into the hands of the Americans,under any circumstances,it is only a matter of surpr prise to me that they were allowed to live as long as they did.These people had no government,they knew nothing about Laws of Nations,they

knew nothing about the right of the United States to the sovereignty of these Islands, they knew nothing for the time being, but that they had in their hands some of those who were responsible for the murder of the Filipinos at Daet, let them not fall into the hands of the Americans under any circumstances.

We feel that when the Commission takes the case into consideration that they will see that the weight of unbiased testimony is in favor of the accused, and feeling that his interests will not suffer, we leave the case in your hands.

Captain 9th Cavalry,

Of Counsel for the Accused.

Accused.

Translation of the Argument of the Senior Counsel for the Defense:-

Gentlemen of the Commission:

I, Francisco Alvarez, a resident of this town, Counsel appointed by the accused Francisco Braganza, who is charged of murder, theft and violation of the laws of war, complying with the delicate duty as a counsel for the defense in this case, I respectfully beg to make the following statements:

That the Honorable Commission, administering the exact justice, will acquit the accused Francisco Braganza and set him at liberty, because there are proofs and reasons to warrant his acquittal.

Gentlemen of the Commission the seriousness of the accusation is such and such are the enormity of the crimes and the horrible account of its perpetration: but I have the firm conviction that however hard the task I have before me may be, I feel confident I will be able to prove and show with the necessary evidence as required by law, the inculpability or innocence of the accused Francisco Braganza.

Appendix "G". The serious charges which are brought against the accused are deduced from the testimonies of some witnesses who apparently were more or less the direct perpetrator of such crimes

"G"

Translation of the Argument of the Senior Counsel for the Defense :-

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crimes they account have acted by order of the accused Braganza who was their superior officer and the Lieut. of police of San Fernando and that the order was given by the accused personally at the place of killing.

But is this testimony true in what it refers to the accused? The divergence, variety and contradictions in which they have overrun themselves, will answer at once No.

Because if the uniformity and consequence of the facts are the proper qualities of truth, on the other hand the divergences contradiction and variety are evident signs of error and of falsehood.

Had the testimony of the witnesses for the prosecution lack in their substance is the first point to be demonstrated, so as to prove once more if necessary, the strength of the testimony of the witnesses for the defense, who were correct and precise in their testimonies.

But before proceeding any further let us come the following antecedents.

On account of the immediate arrival of the American forces in these shores for the military occupation of this province; on the 20th & 21st February 1900, some Spanish prisoners, made by the filipinos during the revolution against Spain, to the number of 173, who were at that time in Kiltuman

Libmanan under the orders of the filipino authorities there, were ordered to be sent to places less threatened by the americans for their reconcentration; having journeyed consequently from Libmanan to the town of Pamplona, San Fernando, Milaor and Nueva Caceres, returning to San Fernando, to be sent back again the following day to Minalabag, being conducted by some police of San Fernando and thence to the place of Dranan in front of the visita of Baliuag in the jurisdiction of Minalabag, where they spent the night, under the vigilance of the guards till the next morning. Friday 23d 1900, from the above antecedents resulted the following facts:

Dawn afterwards it was known that several of the said prisoners in number of 103 were murdered, robbed and mutilated, of these Antonio Plana, Manuel Lobo, Antonio Conjo and Sebastian Nuñez were identified; it was also known that they were murdered by the police of San Fernando and militiamen of Minalabag who were their conductors. They have executed according to their testimonies, by order of the accused Francisco Braganza, who ~~had prison~~ gave the said order personally at the very same place of killing & the bodies of the murdered were left there unburied, to be devoured by

(H)

by the dogs of that vicinity. The same tragic scene had occurred in the viola of Lupi the following February 24th 1900.

Such are the testimonies made before the Honorable Commission, by the witnesses police of San Fernando, Adriano Nuñez, Leon Abon, Eusebio Arulo, Bartolomé Navoa, Patricio Alimagno and Canon Cotas, also the mistresses of some of the murdered Spanish prisoners, Guadalupe Feliz Clemente, Encarnacion Capellan and Ambrosia Escalante, with the exception of the last named and Patricio Alimagno who have positively denied having seen the accused Braganza at the place of killing, where the others say they have seen him) give orders to kill the prisoners, to take the money and other valuables they had on their persons and then to kill them.

These witnesses give such a horrible detail of the executions that it seems to be more conceivable and fantastic than real. They could not explain satisfactorily: according to their testimonies, the accused was dressed as a Sergeant of infantry, some said that he was in front of the column conducting the prisoners; none of the witnesses had seen him in a determined place uniformly from Mindalag to the place of execution and then to the place further up where according to the witnesses they executed the orders given

given by Braganza at the signal of a whistle, others at the blow of a trumpet, and some said the orders were only given ~~and~~ by words.

This shows that their assertions are irreconcilable, inconsistent and contradictory. They ought not to be accepted as proof or evidence in law, on the contrary it helps in a decisive way to prove the inculpability of the accused. In the Spanish procedure of law this is known as "coartada" or "alibi". Braganza finds himself protected in this case as stated above. It is enough to absolve or render it final if we consider that since Thursday 22nd February 1900 up till Sunday the 25th of the same month & year, time in which the crime was committed, Braganza was constantly at the place known as Triana, in the jurisdiction of S. Fernando. He did not leave this place during that time. This must have also come to the notice of the Honorable Commission that the following nine witnesses for the defence have all unanimously testified without making the least contradiction whatsoever: Ludovico Pedula, Vicente Abad, Jose Fernanda, Emilio Perez Domingo Mordella Vicente Real, Juana de Vera, Dionisio Montero Leopoldo Bellida.

The irresponsibility or innocence of the accused Fernando Braganza is proved.

proved beyond doubt and it is unquestionable that he did not take any part or intervene in this crime. But as the unfounded suspicion engendered against the accused for having given the order for the killing of the Spanish prisoners must have arisen from the fact that the accused had performed the civil duties of Lt of police of Santo Tomas, in the filipino government and was afterwards made a major of infantry of the regular forces about the beginning of last year: the court thinks it opportune and conducive to the effacement of such suspicion which was born in the minds of certain part of the Spanish colony in this province, who are anxious to revenge bad events against the filipinos the defense proves that when the accused was appointed a major of the filipino regular forces in this province, he had to resign his former employment, that of Lt of police; and in case it was kept vacant that office was to be provisionally allotched, in conformity to the rules of the filipino municipal laws, to the officer administering justice.

The accused made his personal residence in Nueva Caceres since the 1st of February 1900, and was under the orders of the Peña.. (Bragança) performed the duties of Inspector, having no troops under his

his command), of the peaks of the mountain ridges or line) from Nueva Caceres to Mauguirin or Tiriambac, towns which are to the North of San Fernando and Minalabag. Jose Galicia the ex presidente of San Fernando, during the filipino government, Nemesio Reyes and Juan Camacho ex officers of the filipino army, have all replied affirming the above statements.

As a result of the proceedings in this case, the defense does not think it necessary to discuss whether the murder, theft or the violation of the laws of war took place or not, still less whether the crime was committed in the horrible and atrocious way as testified by the witnesses for the prosecution each in their own version. But the defense will suppose some reflection that will show the way to recover as far as possible the honor of the filipino people, which is not properly looked upon by the Civilized Nations of the World, on account of the fantastic statements of this case, yet they are not clearly proved. In the judgment of the defense we ought not to recognize as motives, acts of a political nature; the Conquest was the ideal which brought a great number of filipinos so blindly to field

field as was seen every where, during the struggle they so erroneously started against the United States Army.
The filipino people had the noble sentiments and generosity towards the conquered; they were the first to protest publicly before the World against some or other vandalic acts of this kind, acts which are inevitable in every revolution.
Particularly in this province where is famous, and there are some Spanish who have lived in these towns unmolested during the war, they have witnessed that all the Spanish prisoners that were brought to this province by the filipino government were furnished and supplied of their wants and treated as brothers by the inhabitants. Given these antecedents we can presume then that if some of the prisoners were killed & robbed, this happened because the country was full of bandits on account of the war, this generally occurs when a country experiences a social overthrow; unfortunately quite a number of filipinos were also made victims.
Taking the above into consideration the defense begs the Honorable Commission to sentence this case as first solicited, because it is justice that I ask for and swear.

(Sgd.) Francisco Flores

(Sgd.) Marcos Aranaza

Argument of the judge advocate.

I have the honor to present to the Commission the following argument in this case. The accused, Francisco Braganza is charged with a violation of the laws of war in several forms:

First: With the murder of Antonio Plana, Sebastian Nunez, Antonio Conjo, Manuel Lobo and others, all Spanish prisoners, to the number of 103 more or less; these prisoners being in his custody and guarded by soldiers under his command.

Second: That he did cause and allow the bodies of these prisoners thus murdered to be denuded of their clothing and left to be devoured by the dogs of the neighborhood.

Third: That he did take, steal and carry away or cause to be taken and delievered to him all money, jewelry, and other valuables found on the persons of the prisoners. All this in time of insurrection against the United States.

Prisoners of War:

The laws of war, as practiced by civilized nations, accord to prisoners of war the most considerate treatment that circumstances permitted. The wounding of prisoners, or the infliction of additional injuries upon those already wounded and helpless, is discountenanced as offensive alike to humanity and the rules of civilized warfare. Their clothing and personal effects should be secured to them; and every consideration of honor and humanity should prevent their captors from acts of aggression against them in their utterly helpless and defenseless condition. Prisoners of war are not without rights: it is incumbent upon their captors to provide protection, food, medical attendance and any comforts that may be available.

The Story of the Crime.

About the middle of Feb. 1900, the U. S. forces arrived by sea in the Province of Camarines Sur, landing at San Miguel Bay; proceeding by several routes therefrom to the town of Nueva Caceres, where they arrived Feb. 22nd. Prior to this date the Filipino Government, by its military forces, held as prisoners of war, a number of Spanish soldiers, who had been captured at various times in the Southern part of Luzon, the military government being made to give them the proper food, clothing and quarters, as was their right, took

(Appendix "H")

measures to procure them the same by billetting them on the towns of the province, under charge of the various presidentes, who in turn divided them among the citizens, by whom they were fed, and treated as servants. During the month of Feb. 1900, these prisoners, so distributed, were concentrated for the purpose of sending them North for better protection and security. On Feb. 20th, a portion of them, to the number of 173 were at Libmanan; the proximity of the American troops altered the original plan for their disposition, and, under order of a Filipino military commander in that town, they were started under charge of an escort of bolomen for Nueva Caceres.

They did not travel by the regular road but crossed the rice fields and woods, staying Tuesday night in Mambolo, a small barrio and reached Pamplona 10 A.M. Wednesday, Feb. 21st; there they were turned over to a representative of the presidente, who in turn forwarded them under another escort to San Fernando, thence to Milaor, thence to Nueva Caceres, the presidente of each town furnishing the escort to the next. They arrived at Nueva Caceres at about 7 P. M., The same day upon arrival at this point their guards were met with orders to turn back, as the American forces were known to be at Calabanga (9) miles from Nueva Caceres. The prisoners, by this time, were foot-sore and weary and hungry, but were escorted back to San Fernando, where they remained all that night

The condition of the people of the towns in the localities mentioned were panic stricken. The Americans were coming and terror prevailed. Non-combatants were seeking to escape. Filipino soldiers were gathering, and the Spanish prisoners were found to be a considerable source of annoyance and care; orders were in existence that at all hazards these prisoners were not to be allowed to fall into the hands of the Americans. The military authority was in control, and the civil officials were deserting their posts. The Spanish prisoners must look therefore to their military captors alone for protection and care.

Jose Galicia was presidente of San Fernando and Francisco Braganza was his lieutenant of police. Braganza also held the office of Commandante of Regulars of the Filipino military forces.

On Wednesday night when the Spanish prisoners stayed in San Fernando, they were fed by the municipality and guarded by the police

of the town. Early on the morning of Thursday, Feb. 22nd, the accused, Francisco Braganza, paid each of the prisoners a small sum of money, amounting to about 6 1/4 cents gold. After the payment they were marched from San Fernando under charge of a sergeant, corporal and twelve policemen of San Fernando, with orders to deliver the prisoners to the presidente of Milaor; Upon arrival near Milaor the guards were directed to proceed with the prisoners to Minalabag, which they did, arriving there about noon. The town was full of Filipino soldiers who were gathering at that place. The presidente of that town did not receive the prisoners. The prisoners were preparing and eating their dinner here, when, without giving them all an opportunity to finish, the accused, Francisco Braganza , assumed charge of them, and with an increased guard of 30 of the soldiers, beside the San Fernando police, they were ordered to proceed on their march. The accused for the first time assumed command and custody of the prisoners at this time and place. They left Minalabag in the afternoon and reached Iroan, a barrio in the vicinity of, and across the river from, Paliuag; they arrived there towards evening. The accused marched with the column all the way and was in command; he wore the uniform of a Filipino Commandante and was armed with a revolver and a small dagger. At Iroan the prisoners encamped for the night and ate their supper; they were guarded by the police and soldiers, who received their orders from the accused. The number of prisoners arriving at Iroan was about 173, their number having been verified by their guards at various times at towns along their march. One witness states that he saw one of the prisoners dead on the road between Minalabag and Iroan.

On Friday morning, Feb. 23rd, an order was given by Francisco Braganza to have all the prisoners tied, and this was done. There appears to have been but one reason for this, which is explained by the inhuman acts which followed. This is the first instance since the beginning of our acquaintance with the history of these prisoners that any aggressive act was committed against them as a body. They were all tied; first their elbows were drawn back and secured behind, then they were tied in couples. I believe that the intent to commit the crime that followed first made itself manifest in this act.

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There were plenty of guards for such a defenseless and worn body of men, and had it been the intention of their custodian to march them peacefully to any point, it is quite probable their progression would have been impeded by their bonds. After the prisoners were tied, Braganza gave orders that they should be robbed of their money, jewels and valuables which he caused to be delivered to himself. After the robbery was over, Braganza ordered the prisoners to proceed in the direction of the mountains and woods. About ten prisoners were assigned to each guard, they thus proceeded about a mile. This must have been a fearful march, tied as they were; weary and footsore and undoubtedly expecting death every moment. During this march the accused instructed his subordinates and guards that upon a signal by whistle, to be given by him, the guards should begin killing the prisoners. After marching about one mile, the signal was given, the whistle was blown by the accused, and the slaughter began; the guards, police and soldiers fell upon the prisoners who were tied, and defenseless and helpless. Those of them who were strong enough made a break for liberty and many succeeded in escaping; many others were cut down by bolos, clubs and spears and murdered in cold blood; Francisco Braganza standing by, threatening his guards with his revolver, encouraging, directing and abetting the murderous assault. One witness testified that he shot three prisoners with his own hand. He was in command, his police of San Fernando, accustomed to obeying his orders, served him well, and this military rank was authority for all to obey. The action must have been such as to impress all who saw it, and cause a never failing impression upon their memory; it was an act unwarranted by any condition of war or peace, custom or law and unprecedented except in the history of savage races.

These poor defenseless prisoners had, prior to their falling into the hands of the accused, been accorded protection and security. The presidentes of the towns through which they passed had been instructed to give them this; the evidence shows that no such fate as they met with was intended for them. The conductors or guards escorting them from Libmanan through the various towns had received, and delivered in turn, orders to send these prisoners on to safety,

and this it is fair to assume was with a view to some final and legitimate disposal. When they left San Fernando Thursday morning it was under conditions of haste, as the Americans were approaching. The presidentes of Milcar and Minalabag could not receive them. It was then that the accused must have conceived the idea for their final disposal. These defenseless men must have become a burden to their captorsand instead of seeking some honorable solution of the problem, they were fouly murdered to get rid of them; their lives were forfeited because they were soldiers, made prisoners while serving their country in a foreign land. Sebastian Nunez, Antonio plana and Manuel Lobo were seen and recognized after their death in the field. The eye-witnesses testify to having seen from ten to twenty-five dead on the field.

After the slaughter was over, Bragan za gave orders that the guards should go after the e caping prisoners and kill them

Patricio Alimano, a witness for the prosecution, saw the accused with his family in Tintin on Friday afternoon after the killing was over, and the guards had been sent to hunt and capture those who had escaped. By an inspection of the map, hereto appended, it will be seen that Tintin is but a short distance fro- the scene of killing, and might be traveled on foot in an hour and a half or less time. On Saturday orning it was reported to some of the police of San Fernando who were in Grialbo, a part of that town, that some escaped Spanish prisoners had been captured in Lupi, a place nearly midway between San Fernando and Minalabag. Sergeant Adriano Nunez, of the San Fernando police, who had not been present at the slaughter of the previous day, gathered his men and proceeded early in the morning to Lupi, where he found 30 of those who had escaped from Iroan the Preceding day? Shortly after Nunez's arrival there, the accused appeared and gave orders to have al the prisoners tied. This was done, after which all the prisoners were escorted to the woods, the accused accompanying them; after an hour's march the accused ordered them killed. The scenes of the preseding day were enacted, ten at least of that party are known to have perished, some again escaping. Upon the return of the accused to Lupi another party of prisoners were found and these were in turn tied and taken away to their death.

On Sunday, the following day, Feb. 25th, a party of 57 who had escaped from Iroan and had been gathered up by the friendly officials were proceeding along the road near Minalahag in the direction of Nueva Caceres under charge of Justo Lucban, a Filipino official, and his medical assistant Sr. Antonio Carascoso, when they were met by the accused, who held a conversation with Lucban respecting the escaped prisoners still supposed to be in hiding in the mountains in the vicinity.

These 57 prisoners were suffering from wounds received at Iroan on Friday, and most of them were without clothing of any kind. They stated to a witness, Sr. Carascoso, that they had escaped massacre at Iroan and were seeking relief.

Proof of the Story:

How do we know that the essential features of the foregoing story are true? By the best proof in the world, that of eye-witnesses. I do not purpose to go into detailed account of the testimony of the witnesses for the prosecution, but will only state that their testimony to the principal and important facts was entirely consistent. They agree as to time, place and principal incidents. It is true that some inconsistencies existed in the testimony of some of the witnesses, and there was a contradiction or two, these were in minor details, and I believe was the result of nervousness on the part of the witnesses. The proven facts are that Braganza was present as alleged in the charges, ordering, directing, aiding and abetting in the murder of Antonio Plana, Sebastian Nunez and Manuel Lobo and other names unknown to the number of at least twenty-five. That these men were robbed of their valuables by the accused, and by others, by his orders; that at least two were tied to trees, and that one was seen to be in a mutilated condition.

Why more were not seen, if more there were, is due probably to the haste with which the guards left the scene in search of the escaping prisoners.

The Fiction of an Alibi.

The defense presented ten witnesses who testified that the accused was present at Tintin some distance from Iroan, during Thursday, Friday, Saturday and Sunday, Feb 22nd to 25th inclusive, this during the time of the acts alleged in the charges.

The principal feature of their evidence is that they distinctly remember Thursday, Friday , Saturday and Sunday of last year, and that they were nearly all constantly in the presence of the accused during those days. They agree very nicely on those points, but seem hazy on most others. For instance, one woman states that she was a guest in the house of the accused at Tintin for three days, and that there were several other people there and yet she could not tell who they were. I will not attempt to tear into shreds the testimony of any one witness of the defense, but I will say that unlike the witnesses for the prosecution, who were "all of one type the testimony of one being a sample of the rest," the witnesses for the defense were all varied so far as memory of detailed events during the time described by them at Tintin.

The scenes and incidents enacted at Iroan on Friday, and at Lupi on Sunday were undoubtedly such as to impress themselves upon the minds of the beholders, but what such impress those who were living ~~xxxxix~~ quietly at Tintin. They all claim to have never even heard of any Spanish prisoners, either alive or dead, before or after this period. This seems improbable, for the massacre of these prisoners was known throughout the country. These witnesses knew all about the Americans, but had not the slightest idea as to where their own soldiers were; there seems to have been a pitiable lack of information at this place at that time. It is very improbable that a Commandante of Regulars would remain in his house quietly, principally in pajamas and in bed when his ~~country~~ countrymen and soldiers were in active preparation to repel the invaders. THe witness who sold the cow to the accused on Friday and who had six more left in Lupi disposed of them at first by having them die of disease in June, but when hard pressed finally abandoned them Sunday morning in Lupi when he escaped. The witnesses for the defense and prosecution were all very inaccurate and uncertain as to the time of day that certain things occurred; that must necessarily be so as their only means of telling time is to indicate the position of the sun; to put this into the representative numerals confuses them and causes inaccuracies. Distances also are doubtful, many having but the simple standard of the

time it takes to smoke a cigarette, to apply to a distance travelled. While these inaccuracies may seem at the time to impair their testimony, I believe it does not do so materially.

The Junior counsel for the defense states that the witnesses for the prosecution had a certain interest in giving their testimony, and infers that this interest led them to fabricate testimony not sustained by facts. The counsel fails to state what that interest is. I cannot let this opportunity pass without resenting the imputations made by the Junior Counsel in his argument; he disavowed any intention to impute improper motives or practices to the Judge Advocate, but he still believes that "It is more than probable that in the frequent examinations and investigations, the number of times these witnesses have been requested to tell their story, that their minds have become surcharged with the desire or hopes of the prosecution and that the Judge Advocate has unintentionally and unconsciously directed the minds of these people into the groove that would serve to substantiate the claims of the prosecution."

The quotation from Shakespeare, that of Polonius and the demented prince, which used by the junior counsel for the defense as an illustration of how the Judge Advocate probably elicited testimony from the witnesses for the prosecution; this is very much like a direct charge, and the Judge Advocate hesitates to consent to being likened to the "demented prince". The prosecution is accused, through its numerous questioning of the witnesses, of giving direction to their minds as far as Braganza was concerned. These are all preposterous, statements, which would lead one to believe that the "demented prince " is on the other side of the fence. What does the counsel mean by " Frequent examinations and investigation", and " the number of times they have been required to tell their story" and in another place "the star scholar." It looks very much as if the counsel believed that a school for the instruction of witnesses had been operated by the Judge Advocate. For what purpose, does he suppose? To convict an innocent man? The witnesses for the prosecution are also accused of having , "the desires and hopes of the prosecution." Who inspired

The Judge Advocate, who unconsciously directed their minds into the groove that would substantiate the claims of the prosecution? The "demented prince" again. Early in the trial, a member of the Commission was unjustly challenged as the Judge Advocate is now, + Although I believe no denial to be necessary, I positively and earnestly refute these imputations as being untrue, and cannot help expressing surprise and wonder that they should have been given expression. My connection with this case has been purely official and impersonal. I have had no interest in it whatsoever, save that of doing my duty. ~~Unconsciously~~ Unconsciously or otherwise the witnesses for the prosecution have never been cajoled, led, directed or forced, if I may quote again, into "humoring the phantasy of the deseased brain of the demented prince"; "thereby accomplishing the desires and hopes of the prosecution." The desire of the prosecution, so far as the Judge Advocate has been concerned, has been to present this case to the Commission with as much care as possible; to present the whole truth of the matter in question, so that in the end that Commission might render impartial justice. It is the hope of the prosecution that such justice will be done.

Wm. C. Johnson,

Captain 28th Infantry,

Judge Advocate.

BAHIA

DE

S. MIGUEL

MINDORO

Tinamba

Sipucot

Vicalo

Calabanga

Bonbon

Canaman

S. Nicolas

S. Vicente

Pamplona

Gainza

Milaor

Minalabac

Bulusan

Tigaon

Pasacao

Jamarsun

S. José

Pili

Scale.

1 0 3 4 5 Miles. 10

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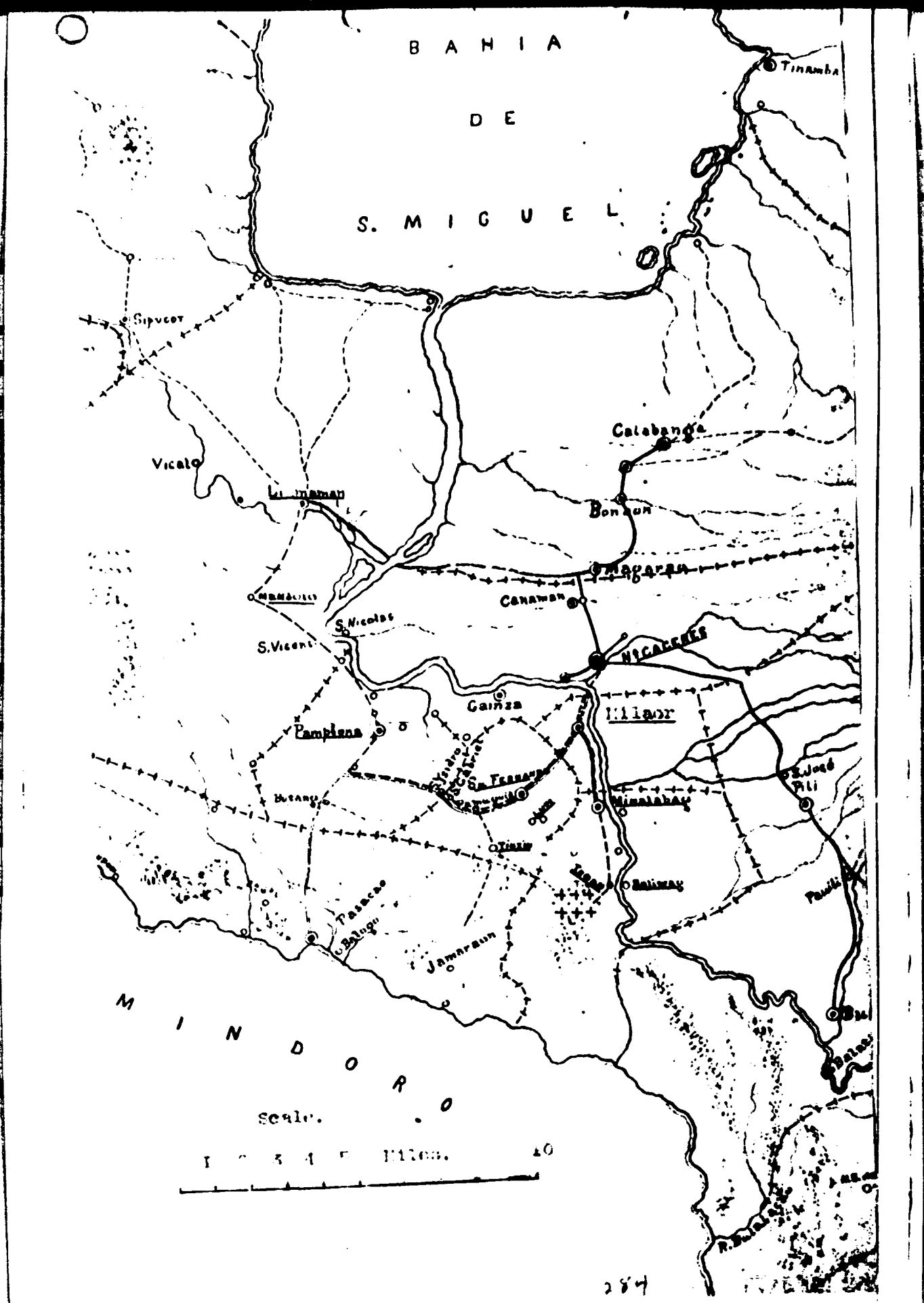
The above map is part of the engraved plate of the Province of Camarines Sur



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The above map is part of the argument of the Solicitor General & Counsel for Claimants

CM 300866

HEADQUARTERS DIVISION OF THE PHILIPPINES.

MANILA, P. I., November 10, 1901.

GENERAL ORDERS, No. 346.

A stay of execution until December 13, 1901, of the sentence published in General Orders, No. 291, current series, from these headquarters, is granted in the case of *Francisco Braganza*.

BY COMMAND OF MAJOR GENERAL CHAFFEE:

W. P. HALL,
Assistant Adjutant General.

250-16

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10a

HEADQUARTERS DIVISION OF THE PHILIPPINES.

MANILA, P. I., September 28, 1901.

GENERAL ORDERS, No. 291.

Before a military commission which convened at Nueva Caceres, Camarines Sur, Luzon, P. I., pursuant to paragraph 2, Special Orders, No. 166, Headquarters Department of Southern Luzon, June 15, 1901, and of which Major *Arthur Williams*, 25th U. S. Infantry, was president, and Captain *James A. Lynch*, 28th U. S. Infantry, was judge advocate, was arraigned and tried:

Francisco Braganza, a native.

CHARGE I.—"Murder in violation of the laws of war."

Specification.—"In that *Francisco Braganza*, native, while holding the rank of commandante of insurgent forces and having in his custody, as prisoners, *Antonio Plana*, *Sebastian Nuñez*, *Antonio Conjo*, *Manuel Lobo* and others, all Spanish soldiers, to the number of one hundred and three, more or less, names of others unknown, said prisoners being guarded by insurgent soldiers, under the command of the said *Francisco Braganza*, did, wilfully, feloniously and with malice aforethought, order and cause the said Spanish soldiers, then prisoners in his custody, to be bound to trees and while in this defenceless condition, did order, cause and allow the said *Antonio Plana*, *Sebastian Nuñez*, *Antonio Conjo*, *Manuel Lobo* and others, all Spanish soldiers, to the number of one hundred and three, more or less, then prisoners in his hands, to be killed and murdered by his, the said *Francisco Braganza's* soldiers, by striking them with bolos and other sharp instruments, held in the hands of the said *Francisco Braganza's* soldiers, until all were dead, he, the said *Francisco Braganza*, being present in command, directing, aiding, abetting and encouraging these acts. This on or about February 23, 1900, then, as now, a time of insurrection, at or near the barrio of Baliuag, pueblo of Minalabag,

RULER
WESTCOTT

Camarines Sur, Luzon, P. I., a place then, as now under the military authority of the United States."

CHARGE II.—"Violation of the laws of war."

Specification.—"In that *Francisco Braganza*, native, while holding the rank of commandante of insurgent forces, did cause and allow the bodies of *Antonio Plana*, *Sebastian Nuñez*, *Antonio Conjo*, *Manuel Lobo* and others, to the number of one hundred and three, more or less, names of others unknown, all Spanish soldiers, murdered by his orders, to be mutilated, denuded of clothing and left unburied to be devoured by the dogs in that vicinity, he, the said *Francisco Braganza*, being present, directing and encouraging these acts."

"This on or about February 23, 1900, then as now a time of insurrection, at or near the barrio of Balluag, pueblo of Minalabag, Camarines Sur, Luzon, P. I., a place then, as now, under the military authority of the United States."

CHARGE III.—"Robbery, in violation of the laws of war."

Specification.—"In that *Francisco Braganza*, native, while holding the rank of commandante of insurgent forces, did take, steal and carry away, or cause to be taken and delivered to him, all money, jewelry and other valuables found on the persons of *Antonio Plana*, *Sebastian Nuñez*, *Antonio Conjo*, *Manuel Lobo*, and others, to the number of one hundred and three, more or less, all Spanish soldiers, who were prisoners in his custody, and who were killed by his order; he, the said *Francisco Braganza*, being present, directing and assisting in these acts."

"This on or about February 23, 1900, then as now, a time of insurrection, at or near Balluag, a barrio of the pueblo of Minalabag, Camarines Sur, Luzon, P. I., a place, then, as now, under the military authority of the United States."

PLEA.—"Not guilty."

FINDING.

Of the *Specification*, 1st CHARGE, "Guilty, excepting the words 'to trees' and of the excepted words, not guilty."
Of the 1st CHARGE, "Guilty."
Of the *Specification*, 2d CHARGE, "Guilty."
Of the 2d CHARGE, "Guilty."
Of the *Specification*, 3d CHARGE, "Guilty."
Of the 3d CHARGE, "Guilty."

3a

SENTENCE.

And the commission does therefore sentence him, *Francisco Braganza*, "*To be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein.*"

In the foregoing case of *Francisco Braganza*, native, it appears that this accused had been a lieutenant of police of San Fernando and recently appointed a major in the insurgent forces. That at Minalabag, a party, by roll-call, of one hundred and seventy-three Spanish prisoners, were delivered to him for the ostensible purpose of being conducted to a place of greater security from the approaching American troops. It appears that from high sources of authority, among the insurgent chiefs, the most stringent orders had been given to prevent their rescue by the Americans.

At the time the accused took charge of these prisoners, they were footsore, weary and half-starved; their hurried marching and large number apparently overtaxing the available means of support which the presidentes of the pueblos through which they passed, had at their ready disposal.

Apprehension of the sudden appearance of the American troops caused confusion and disorder among the guard and police, which composed the escort under the orders of the accused, who, on the 23d day of February, 1900, the morning following the day he assumed charge of the escort, proceeded to have the arms of his prisoners bound at the elbows with cords drawn across their backs, so as to render them comparatively helpless. This was the first act of unmistakable indignity imposed upon the prisoners, who, up to this time, had been treated with some kindness. Knowing the habits of the people in whose hands they were, to bind and make helpless one doomed to death, the prisoners must have readily interpreted its sinister meaning. The next act of the accused was to cause the prisoners to be searched for money and valuables and to appropriate the lion's share to himself. The prisoners were then told off in detachments of ten men, more or less, with a suitable guard placed over each. They were then conducted to the rice fields, a short interval being preserved between the detachments. At a preconcerted signal, the blowing of a whistle by accused, the guards fell upon their victims and slaughtered them with daggers, bolos, clubs and spears; the accused standing by, encouraging, directing and urging on the barbarous assault.

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WESTCOTT RULER

Camarines Sur, Luzon, P. I., a place then, as now under the military authority of the United States."

CHARGE II.—"Violation of the laws of war."

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Of the 3d CHARGE, "Guilty."

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WESTCOTT RULER

Those of the victims, who were strong enough, bound as they were, made a break for liberty and accused ordered them pursued and killed. On the following morning it was reported to accused that thirty of the escaped prisoners had been recaptured at Lupi, whereupon he proceeded there, ordered them bound, conveyed to the woods, and again the scenes of the preceding day were enacted. Returning to Lupi, accused found another party of his recaptured victims and these, in turn, were bound and led to death.

Such are the established facts in the foregoing case, offset by a weak, ineffective and wholly unconvincing attempt on the part of the accused to prove an alibi.

From official records it appears that about one-half of the prisoners escaped and, after devious wanderings under cover of the tropical vegetable growth and wooded lands, in small parties and after much suffering, finally reached safety within the American lines.

In this relation, it is deemed fitting to cite the now historical fact that the chiefs of the insurrection, in pursuance of a deliberate policy, did their utmost to prevent the United States from fulfilling its desire and assumed obligation to employ its best efforts to return Spanish prisoners in the hands of these chiefs to Spain. In what manner this cruel policy could serve the cause of the insurrection, passes ordinary comprehension. This much is true, however: out of the spirit of this policy and the stringent orders issued to their subordinates, that they should by all means in their power prevent the rescue of Spanish prisoners by the American troops, sprang the motive for a crime in which they must bear a full share in the responsibility. That these chiefs made the act of the accused their own, is evidenced by the fact that they did not bring him to trial therefor, nor cease to continue him in office, thereby in effect extending to him their approbation and confidence. In this, it is believed, they betrayed the better sentiments of the Filipino people and demonstrated their lack of comprehension of the means of governing humanely and wisely. History will surely record against them large responsibility for this, the most barbarous and revolting massacre of helpless prisoners known to the modern history of war.

5a

The sentence, approved by the Department commander, is confirmed, and will be duly executed at Nueva Caceres, Camarines Sur, Luzon, P. I., on the fifteenth (15th) day of November, A. D., 1901, under the direction of the commanding general, Department of Southern Luzon.

By Command of Major General Chaffee:

W. P. HALL,

Assistant Adjutant General.

6a

SEP 3

20636

Francisco Braganza

Filed by Fr Pilar Caminero

Dona Caceres, Camarines

P.I.

Commencing July 3. 1901

Ending August 7. 1901

Arthur Williams,

Infantry.

Lynch,

9/12/01

MILITARY GOVERNMENT COURT

CASE RECORD

CASE NO. 000-50-37

SUMMARY OF PROCEEDINGS BEFORE MILITARY COURT OF GENERAL

PLACE Dachau, Germany

DATE 7 August 1947

WITNESSES

CARL JAY

ACCUSED ANTON HOFFMANN, et al.

ADDRESS SEX AGE

FIRST CHARGE SECOND CHARGE

PLEAS

FINDINGS

PREVIOUS CONVICTIONS

SENTENCE

IMPRISONMENT (TERM (BEGINNING 194

FINE AMOUNT TO BE COLLECTED 194 IN DEFAULT OF IMPRISONMENT

CHARGE SHEET AND RECORD OF TESTIMONY ARE ANNEXED HERETO.

SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY

SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

VOL. 1

Pages 1 - 100

PROSECUTOR Lt. Col. [illegible] Norman

DEFENSE COUNSEL Major [illegible] Goulding
Nelly Singer

INTERPRETERS [illegible]

REPORTERS Mabel D. Holt
Gloria L. Spears
Mary T. Williams
Peter L. DiCurti
Janice L. Nasuroff

R E C O R D O F T E S T I M O N Y

IN TRIAL OF

THE UNITED STATES Versus ARTHUR ANDRAE ET AL

by

A GENERAL MILITARY GOVERNMENT COURT

tried at

DACHAU, GERMANY BEGINNING 6 AUGUST 1947

8 August 1947 Pages 1 - 10 Incl.

Interrogation of Accused as to name, age, residence, nationality and status	Page 6
Arraignment	29
Pleas	30
Opening Statement, Prosecution	34

T E S T I M O N Y

WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS	COURT
CECIL JAY	45	85			

E X H I B I T S

NO.	DESCRIPTION	MARKED	RECEIVED
P-1	SS Form 38, Andree	14	14
P-2	" Brauny	14	15
P-3	" Brinkmann	14	16
P-4	" Buehring	14	16
P-5	" Detmers	14	17
P-6	" Fuchsloch	14	18
P-7	" Heinrich	14	19
P-8	" Helbig	14	19
P-9	" Jacobi	14	20
P-10	" Milton	14	21
P-11	" Koenig	14	22
P-12	" Valschein	14	[illegible]
P-13	" [illegible]	14	33
P-14	" Sickbert	14	34
P-15	Schmidt	14	37

E X H I B I T S (CONT'D)

NO.	DESCRIPTION	MARKED	REC'D IN EVIDENCE
P-16	NCG Form 38, Simon	14	25
P-17	" Ulbricht	14	26
P-18	" Walenta	14	27
P-19	" Wiener	14	26
P-20	Map	38	39
P-20A	Map	40	40
P-21	Map	40	41
P-21A	Map	40	41
P-22	Map	41	41
P-23	Map	42	42

HEADQUARTERS
EUROPEAN COMMAND

SPECIAL ORDERS)
:
NUMBER 144)

E X T R A C T

APO 757
5 Aug 1947

* * *

17. Under the provisions of ltr file AG 000.5 subject "Trial of War Crimes Cases" Hq USFET 14 Oct 1946 a Gen Mil Govt Court is aptd to meet at Dachau Germany on or about 5 Aug 1947 for the trial of such war crimes cases as may be referred to that court for trial:

DETAIL FOR THE COURT

Col FRANK SILLIMAN 0179174 FA - President
Col JOSEPH W BENSON 011039 AC
Col CLAUDE O BURCH 010365 Cav
Lt Col LOUIS S TRACY 0202667 Cav
Lt Col ROY J HERTE 016516 Inf
Lt Col DAVID H THOMAS 0237120 AC
Maj WARREN H VANDERBURGH 0385163 JAGD

18. Under the provisions of ltr file AG 000.5 subject "Trial of War Crimes Cases" Hq USFET 14 Oct 1946 an Intermediate Mil Govt Court is aptd to meet at Dachau Germany on or about 5 Aug 1947 for the trial of such war crimes cases as may be referred to that court for trial:

DETAIL FOR THE COURT

Col FRANK SILLIMAN 0179174 FA - President
Col JOSEPH W BENSON 011039 AC
Col CLAUDE O BURCH 010365 Cav
Lt Col LOUIS S TRACY 0202667 Cav
Lt Col ROY J HERTE 016516 Inf
Lt Col DAVID H THOMAS 0237120 AC
Maj WARREN H VANDERBURGH 0385163 JAGD

* * *

BY COMMAND OF GENERAL CLAY:

C. R. HUEBNER,
Lieutenant General, GSC,
Chief of Staff.

OFFICIAL:

HEADQUARTERS EUROPEAN COMMAND

Wm. E. BERGIN,
Brigadier General, USA,
Adjutant General.

[illegible],
Josef Fuchsloch, Kurt Heinrich, Oscar Georg Helbig, Rudolf Jacobi, Georg Wilhelm Koenig, Paul Maischein, Hans Moeser, Stephan Palkow, Georg Johannes Rickhey, Hans Ritz, Albin Sawatzki, Heinrich Schmidt, Wilhelm Simon, Walter Ulbricht, Richard Valenta, Willi Zwiener, und verschiedene andere Personen, deutsche Staatsangehoerige oder Personen, die mit deutschen Staatsangehoerigen zusammengewirkt haben, in verschiedenen Zeitraeumen zwischen dem Juni 1943 und dem 8. Mai 1945 in oder in der Nähe von Nordhausen, Deutschland, in Verfolgung eines gemeinsamen Planes zur Begehung der nachstehend beschriebenen Taten rechtswidrig zur Durchführung des Betriebs des Konzentrationslagers Nordhausen -- auch als Arbeitslager Dora und als Konzentrationslager Mittelbau bekannt -- und seiner Aussenlager und Aussenkommandos, [illegible], darin unterstuetzt und daran teilgenommen [illegible]

EXHIBIT "A"

TB #53 LMG/tam

HEADQUARTERS
7708TH WAR CRIMES GROUP
EUROPEAN COMMAND
APO 207-1

Date 6 August 1947

Case No. 000-50-27

Log No. _____

SUBJECT: Reference for Trial in the Case of US v. Karl ARNERS, et al

TO : Chief, Dachau Detachment
7708th War Crimes Group
APO 407 US Army

1. The above entitled case is referred for trial on the charge in your possession by (General, [redacted]) Military Government Court, appointed under the authority of Special Order No. 144, paragraph 19, dated 5 August 1947, Hq, European Command.

2. In lieu of an entry on the charge sheet referring the case to this court, it is requested that this letter be placed in the record.

C. E. STRAIGHT
Lt. Col. JAGD
Deputy Judge Advocate for
War Crimes

TELEPHONE: Munich Military 2885
Extension 406

[redacted], Josef Fuchsloch, Kurt Heinrich, Oscar Georg Helbig, Rudolf Jacobi, Georg Wilhelm Koenig, Paul Kaischein, Hans Koeser, Stephan Palkow, Georg Johannes Rickhey, Hans Ritz, Albin Sawatzki, Heinrich Schmidt, Wilhelm Simon, Walter Ulbricht, Richard Valenta, Willi Zwiener, und verschiedene andere Personen, deutsche Staatsangehoerige oder Personen, die mit deutschen Staatsangehoerigen zusammengewirkt haben, in verschiedenen Zeitraeumen zwischen dem Juni 1943 und dem 8. Mai 1945 in oder in der Nähe von Nordhausen, Deutschland, in Verfolgung eines gemeinsamen Planes zur Begehung der nachstehend beschriebenen Taten rechtswidrig zur Durchführung des Betriebs des Konzentrations Nordhausen -- auch als Arbeitslager Dora und als Konzentrationslager Dora bekannt -- und seiner Aussenlager und Aussenkommandos [illegible], darin unterstuetzt und daran teilgenommen [illegible]

EXHIBIT "A"

LMG/bam

HEADQUARTERS
7708TH WAR CRIMES GROUP
EUROPEAN COMMAND
APO 207-1

Date [redacted]

Case No. [redacted]

Log No. [redacted]

SUBJECT: Assignment of Counsel, US vs [redacted]

TO : Chief, Dachau Detachment
7708 War Crimes Group
APO 407, US Army

Under the provisions of paragraph 6d, Letter, Hq., USFET, 11 July 1946, AG 000.5 WCB-AGO, subject: "Trial of War Crimes Cases," the following assignments are made in the above entitled case:

Chief Prosecutor [redacted]
Asst " [redacted]
" " [redacted]
" " [redacted]

Chief Defense Counsel: [redacted]

Asst " [redacted]

C. E. STRAIGHT
Lt. Col. JAGD
Deputy Judge Advocate for
War Crimes

TELEPHONE: Munich Military 2885
Extension 406

Otto Georg Werner [redacted], Josef Fuchsloch, Kurt Heinrich, Oscar Georg Helbig, Rudolf Jacobi, Georg Wilhelm Koenig, Paul Maischein, Hans Moeser, Stephan Palkow, Georg Johannes Rickhey, Hans Ritz, Albin Sawatzki, Heinrich Schmidt, Wilhelm Simon, Walter Ulbricht, Richard Valenta, Willi Zwiener, und verschiedene andere Personen, deutsche Staatsangehoerige oder Personen, die mit deutschen Staatsangehoerigen zusammengewirkt haben, in verschiedenen Zeitraeumen zwischen dem Juni 1943 und dem 8. Mai 1945 in oder in der Nahe von Nordhausen, Deutschland, in Verfolgung eines gemeinsamen Planes zur Begehung der nachstehend beteten Taten rechtswidrig zur Durchfuehrung des Betriebs des Konzentr[redacted] Nordhausen -- auch als Arbeitslager D ora und als Konzentr[redacted] bekannt -- und seiner Aussenlager und Aussenkommand[redacted] ifen, darin unterstuetzt und daran teilgenomm[redacted]

EXHIBIT "A"

MILITARY GOVERNMENT COURT
(Militaergericht)

AMENDED CHARGE SHEET
(Ergaenzung Zur Anklageschrift)

Case No. 000-50-37

Dachau, Germany
(Dachau, Deutschland)

Date: 18 July 1947
(Datum) 18 Juli 1947

The charge and particulars dated 30 June 1947 in the case of the United States vs. Kurt Andree, et als served upon Kurt Andree, Erhard Brauny, Josef Fuchsloch, Rudolf Jacobi, Heinrich Schmidt, Walter Ulbricht, Richard Walenta and Willi Zwiener on 30 June 1947, and served upon Heinz Georg Alfred Dettmers on .. July 1947, and upon Otto Georg Werner Brinkmann, Georg Wilhelm Koenig, Paul Maischein, Georg Johannes Rickhey and Hans Moeser on 2 July 1947, and upon Emil Otto Buehring and Oscar Georg Helbig on 11 July 1947, a copy of which is attached hereto as Exhibit "A", is hereby amended by inserting the name of Josef Kilian after the name Willi Zwiener wherever such name appears therein.

Die Anklage und Einzelheiten, datiert 30. Juni 1947, im Falle Vereinigte Staaten gegen Kurt ANDREE und andere, ausgehaendigt and Kurt ANDREE, Erhard BRAUNY, Josef FUCHSLOCH, Rudolf JACOBI, Heinrich SCHMIDT, Walter ULBRICHT, Richard WALENTA und Willi ZWIENER am 30. Juni 1947 und ausgehaendigt an Heinz Georg Alfred DETTMERS am 1. Juli 1947 und an Otto Georg Werner BRINK-MANN, Georg Wilhelm KOENIG, Paul MAISCHEIN, Georg Johannes RICKHEY und Hans MOESER am 2. Juli 1947 und an Emil Otto BUEHRING und Oscar Georg HELBIG am 11. Juli 1947, von denen anbei als Beweisstueck "A" eine Abschrift beigefuegt ist, wird hiermit durch Einfuegung des Namens Josef KILIAN hinter dem Namen Willi ZWIENER ueberall dort, wo dieser Name darin erscheint, ergaenzt.

Myron A. FUNK, Major, FA

Otto Georg Werner Brinkmann, Emil Otto Buehring, [illegible]
Josef Fuchsloch, Kurt Heinrich, Oscar Georg Helbig, Rudolf Jacobi, Georg Wilhelm Koenig, Paul Maischein, Hans Moeser, Stephan Palkow, Georg Johannes Rickhey, Hans Ritz, Albin Sawatzki, Heinrich Schmidt, Wilhelm Simon, Walter Ulbricht, Richard Walenta, Willi Zwiener, und verschiedene andere Personen, deutsche Staatsangehoerige oder Personen, die mit deutschen Staatsangehoerigen zusammengewirkt haben, in verschiedenen Zeitraeumen zwischen dem [illegible] Juni 1943 und dem 8. Mai 1945 in oder in der Nahe von Nordhausen, Deutschland, in Verfolgung eines gemeinsamen Planes zur Begehung der nachstehend beschriebenen Taten rechtswidrig zur Durchfuehrung des Betriebs des Konzentrations[illegible] Nordhausen -- auch als Arbeitslager Dora und als Konzentrationslager Dora bekannt -- und seiner Aussenlager und Aussenkommandos [illegible] haben, darin unterstuetzt und daran teilgenommen [illegible]

EXHIBIT "A"

MILITARY GOVERNMENT COURT
(Militaergericht)

AMENDED CHARGE SHEET
(Ergaenzung Zur Anklageschrift)

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Die Anklage und Einzelheiten, datiert 30. Juni 1947, im Falle Vereinigte Staaten gegen Kurt ANDREE und andere, ausgehaendigt and Kurt ANDREE, Erhard BRAUNY, Josef FUCHSLOCH, Rudolf JACOBI, Heinrich SCHMIDT, Walter ULBRICHT, Richard WALENTA und Willi ZWIENER am 30. Juni 1947 und ausgehaendigt an Heinz Georg Alfred DETTMERS am 1. Juli 1947 und an Otto Georg Werner BRINK-MANN, Georg Wilhelm KOENIG, Paul MAISCHEIN, Georg Johannes RICKHEY und Hans MOOSER am 2. Juli 1947 und an Emil Otto BUEHRING und Oscar Georg HELBIG am 11. Juli 1947, von denen anbei als Beweisstueck "A" eine Abschrift beigefuegt ist, wird hiermit durch Einfuegung des Namens Josef KILIAN hinter dem Namen Willi ZWIENER ueberall dort, wo dieser Name darin erscheint, ergaenzt.

Myron A. FUNK, Major, FA

Josef Fuchsloch, Kurt Heinrich, Oscar Georg Helbig, Rudolf Jacobi, Georg Wilhelm Koenig, Paul Maischein, Hans Mooser, Stephan Palkow, Georg Johannes Rickhey, Hans Ritz, Albin Sawatzki, Heinrich Schmidt, Wilhelm Simon, Walter Ulbricht, Richard Walenta, Willi Zwiener, und verschiedene andere Personen, deutsche Staatsangehoerige oder Personen, die mit deutschen Staatsangehoerigen zusammengewirkt haben, in verschiedenen Zeitraeumen zwischen dem [illegible] Juni 1943 und dem 8. Mai 1945 in oder in der Naehe von Nordhausen, Deutschland, in Verfolgung eines gemeinsamen Planes zur Begehung der nachstehend beteten Taten rechtswidrig zur Durchfuehrung des Betriebs des Konzentr[illegible] Nordhausen -- auch als Arbeitslager D ora und als Konzentr[illegible] bekannt -- und seiner Aussenlager und Aussenkommand[illegible] fen, darin unterstuetzt und daran teilgenomm[illegible]

[illegible] EXHIBIT "A".

CERTIFICATE OF SERVICE

The foregoing amended charge sheet and Exhibit "A" attached thereto was served upon accused Kurt Andree, Erhard Braumy, Otto Georg Werner Brinkmann, Emil Otto Buehring, Heinz Georg Alfred Dettmers, Josef Fuchsloch, Kurt Heinrich, Oscar Georg Helbig, Rudolf Jacobi, Georg Wilhelm Koenig, Paul Maischein, Hans Moeser, Georg Johannes Rickhey, Heinrich Schmidt, Wilhelm Simon, Walter Ulbricht, Richard Walenta, Willi Zwiener and Josef Kilian on 18 July 1947 and such accused informed the trial would be had thereon before a General Military Government Court at Dachau, Germany on or about 7 August 1947.

William F McGarry

WILLIAM F. McGARRY
Capt. CAC
Asst. Prosecutor

Otto Georg Werner Brinkmann, Emil Otto Buehring, Heinz Georg Alfred Dettmers, Josef Fuchsloch, Kurt Heinrich, Oscar Georg Helbig, Rudolf Jacobi, Georg Wilhelm Koenig, Paul Maischein, Hans Moeser, Stephan Palkow, Georg Johannes Rickhey, Hans Ritz, Albin Sawatzki, Heinrich Schmidt, Wilhelm Simon, Walter Ulbricht, Richard Walenta, Willi Zwiener, und verschiedene andere Personen, deutsche Staatsangehoerige oder Personen, die mit deutschen Staatsangehoerigen zusammengewirkt haben, in verschiedenen Zeitraeumen zwischen dem [illegible] Juni 1943 und dem 8. Mai 1945 in oder in der Nahe von Nordhausen, Deutschland, in Verfolgung eines gemeinsamen Planes zur Begehung der nachstehend beschriebenen Taten rechtswidrig zur Durchfuehrung des Betriebs des Konzentrations[illegible] Nordhausen -- auch als Arbeitslager D ora und als Konzentrationslager Mittelbau bekannt -- und seiner Aussenlager und Aussenkommandos [illegible] halfen, darin unterstuetzt und daran teilgenommen [illegible]

EXHIBIT "A"

MILITARY GOVERNMENT COURT
(Militaergericht)

CHARGE SHEET
(Anklageschrift)

Case No. 000-50-37

Dachau, Germany
(Dachau, Deutschland)

Date 20 June 1947
(Datum) 20. Juni 1947

NAMES OF THE ACCUSED:
(Namen der Angeklagten)

Kurt Andree
Erhard Brauny
~~Otto~~ Brenneis
Otto Georg Werner Brinkmann
Emil Otto Buehring
Heinz Georg Alfred Dettmers
Josef Fuchsloch
Kurt Heinrich
Oscar Georg Helbig
Rudolf Jacobi
Georg Wilhelm Koenig
Paul Maischein
Hans Moeser
Stephan Palkow
Georg Johannes Rickhey
Hans Ritz
Albin Sawatzki
Heinrich Schmidt
Wilhelm Simon
Walter Ulbricht
Richard Walenta
Willi Zwiener

and various other persons (und verschiedene andere personen)
are hereby charged with the following offenses:
(sind hiermit wegen der folgenden strafbaren Handlungen angeklagt:)

CHARGE: Violation of the Laws and Usages of War.

Particulars: In that Kurt Andree, Erhard Brauny, Otto Brenneis, Otto Georg Werner Brinkmann, Emil Otto Buehring, Heinz Georg Alfred Dettmers, Josef Fuchsloch, Kurt Heinrich, Oscar Georg Helbig, Rudolf Jacobi, Georg Wilhelm Koenig, Paul Maischein, Hans Moeser, Stephan Palkow, Georg Johannes Rickhey, Hans Ritz, Albin Sawatzki, Heinrich Schmidt, Wilhelm Simon, Walter Ulbricht, Richard Walenta, Willi Zwiener, and divers other persons, German nationals or persons acting with German nationals, during various periods between the 1st of June, 1943, and the 8th of May, 1945, at or in the vicinity of Nordhausen, Germany, acting in pursuance of a common design to commit the acts hereinafter alleged, did, wrongfully encourage, aid, abet and participate in the operation of Nordhausen Concentration Camp, also known as Dora Labor Camp and as Mittelbau Concentration Camp, and its subcamps and out-details, which operation included the wrongful subjection of citizens of the United States of America, Poles, Frenchmen, citizens of the Grand Duchy of Luxembourg, Norwegians, British subjects, Greeks, Yugoslavs, citizens of the Soviet Union, Belgians, citizens of the Netherlands, stateless persons, Czechs, and other non-German nationals who were then and there in the custody of the then German Reich, and members of the armed forces of nations then at war with the then German Reich who were then and there surrendered and unarmed prisoners of war in the custody of the then German Reich, to killings, beatings, tortures, starvation, abuses, and indignities, the exact names and numbers of such persons being unknown but aggregating many thousands.

(Anklage: Verletzung der Gesetze und Gebrauche des Krieges.)

Einzelheiten: Dadurch, dass Kurt Andree, Erhard Brauny, Otto Brenneis, Otto Georg Werner Brinkmann, Emil Otto Buehring, Heinz Georg Alfred Dettmers, Josef Fuchsloch, Kurt Heinrich, Oscar Georg Helbig, Rudolf Jacobi, Georg Wilhelm Koenig, Paul Maischein, Hans Moeser, Stephan Palkow, Georg Johannes Rickhey, Hans Ritz, Albin Sawatzki, Heinrich Schmidt, Wilhelm Simon, Walter Ulbricht, Richard Walenta, Willi Zwiener, und verschiedene andere Personen, deutsche Staatsangehoerige oder Personen, die mit deutschen Staatsangehoerigen zusammengewirkt haben, in verschiedenen Zeitraeumen zwischen dem 1.Juni 1943 und dem 8. Mai 1945 in oder in der Nahe von Nordhausen, Deutschland, in Verfolgung eines gemeinsamen Planes zur Begehung der nachstehend behaupteten Taten rechtswidrig zur Durchfuehrung des Betriebs des Konzentrationslagers Nordhausen -- auch als Arbeitslager D ora und als Konzentrationslager Mittelbau bekannt -- und seiner Aussenlager und Aussenkommandos angestiftet, [illegible] geholfen, darin unterstuetzt und daran teilgenommen haben, ein Betrieb, [illegible]

EXHIBIT "A"

der in sich schloss, dass die Staatsbuerger der Vereinigten Staaten von Amerika, Polen, Franzosen, Staatsbuerger des Grossherzogtums Luxemburg, Norwegor, britische Untertanen, Griechen, Jugoslaven, Staatsbuerger der Sowjetunion, Belgier, Staatsbuerger der Niederlande, staatenlose Personen, Tschechen und andere nichtdeutsche Staatsangehoerige, die sich damals dort im Gewahrsam des damaligen Deutschen Reiches befanden, und Angehoerige der bewaffneten Streitkraefte von Staaten, die sich damals im Kriegszustand mit dem damaligen Deutschen Reich befanden, die sich gemaess dem ergeben hatten und sich als unbewaffnete Kriegsgefangene im Gewahrsam des damaligen Deutschen Reiches befanden, rechtswidrig Toetungen, Schlaegen, Quaelereien, der Aushungerung, Beschimpfungen und Erniedrigungen ausgesetzt haben, wobei die genaue Anzahl und die Namen dieser Personen unbekannt sind, aber sich auf viele Tausende belaeuft.

OFFICER PREFERRING CHARGES:
(Der die Anklagen erhebende Offizier:)

Edward Doherty

Edward Doherty, Lt Col., AGD

EXHIBIT "A"

Camp Dachau, Germany

7 August 1947

MORNING SESSION

A General Military Government Court appointed by Special Order Number 144, paragraph 17, dated 6 August 1947, Headquarters, European Command, APO 207-1, met at Camp Dachau, Germany, on 7 August 1947 at 0915 hours, as directed by the President thereof.

The court proceeded in open court to the trial of Arthur Kurt Andree, Bernard Breuhy, Otto Georg Werner Frinkmann, Emil Otto Hoefling, Heins Georg Alfred Detmers, Josef Fachslocn, Kurt Heinrich, Oskar Georg Holbig, Rudolf Jacobi, Josef Killian, Georg Wilhelm Koeniz, Paul Waisenhein, Hans Moeser, Georg Johannes Nickney, Heinrich Schmidt, Wilhelm Simon, Walter Ulbricht, Richard Walenta, and Willi Zwisler.

* * * *

PRESIDENT: The court will come to order.

PROSECUTION: May it please the court, the prosecution is ready to proceed in the case of the United States against Andree and others. At this time the prosecution withdraws the following four persons named on the charge sheet on the common ground that none of the four have been served. The names so withdrawn are Otto Brennis, Stephan Falkow, Hans Rits, and Albin Sowatski.

PRESIDENT: The court has appointed Miss Molly Singer, Mr. Simon Weissglas, Mr. Stanley Feldmann, and Miss Yolanda Keller, and Mr. Friedrich Frankl as interpreters. They will be sworn.

(Thereupon Molly Singer, U.S. Civilian; Simon Weissglas, Allied Civilian; Stanley Feldmann, Allied Civilian; Yolanda Keller, Allied Civilian; and Friedrich Frankl, German Civilian were sworn as court interpreters.)

PRESIDENT: The court has appointed Mrs. Mabel D. Holt, Miss Gloria M. Spears, Miss Mary T. Williams, Mr. Peter L. DiCarli, and Miss Eunice L. Kasdorff, as court reporters. They will be sworn.

(Thereupon Mabel D. Holt, Gloria F. Sears, Mary T. Williams, Peter L. DiCarli, and Janice L. Wasserff, J.A. Civilians, were sworn as court reporters.)

PRESIDENT: The court is not appointing any advisor. When does the accused desire to introduce as counsel in addition to the regularly assigned defense counsel?

DEFENSE COUNSEL: If it please the court, there are eight of the accused who wish to introduce individual defense counsel. The accused, Dettera, Reischein, Schmidt, and Rickney, wish to introduce as their individual defense counsel Dr. Will Rheiner. The accused Andrae, Walente, Simon, and Heinrich wish to introduce as their individual defense counsel Dr. Ludwig Kenner. These two German counsel at the present time are still engaged in the Buchenwald process and will not be available to the accused to represent them until approximately Monday or Tuesday of next week. The accused have been questioned and are willing to proceed with the trial at this time on the understanding and with the stipulation that in the event by Tuesday of next week these German counsel are not available to come into court to represent them that the defense will reserve the right to request an adjournment at that time to obtain other counsel or to wait until these two counsel are able to come into court. There is another matter which I feel it my duty to bring to the attention of the court. Dr. Rheiner and Dr. Kenner have been practicing before War Crimes tribunals for approximately one year and a half. Two days before this trial commenced and after, both Dr. Kenner and Dr. Rheiner had done a substantial amount of work in preparation for this case, a policy memorandum was issued which limited the extent to which these German counsel could practice before this court to the extent that they would not be permitted to cross examine witnesses who testified against their clients, nor could they be permitted to question on direct examination the witnesses in favor of their clients, but all such questioning would have to be done through their regularly appointed defense

counsel, in this case, myself or Captain Strader, the reason for this being that both of these German counsel had not been admitted to practice before the German courts nor before the Military Government courts because they had not been able to go through their denazification proceedings at that time. It has been arranged with the administration that both of these German attorneys are going to make an effort the first part of next week to obtain a temporary clearance fro. their spruchkammer to permit them to practice in this case. I believe, however, that the court should know about these facts and at the time that they get their clearance we will then make a formal o.fer to have them participate before this court.

PROSECUTION: I don't imagine any comment is necessary from the prosecution, however, I would like to state as a matter of record that the conclusion date of Buchenwald has been advanced a number of times to my knowledge, and it may be advanced again, and the prosecution, of course, does not agree to a continuance in the event that that case isn't through; however, there is a much more important matter, and that is the fact that both of these counsel have had their denazification proceedings pending for a good long time to my knowledge, and it may be by Tuesday that they will not be completed, and in the event the defense asks for a continuance, the prosecution is going to vigorously oppose it.

PRESIDENT: The matters mentioned by the defense and prosecution will be taken care of in due course as the necessity for action becomes eminent.

PROSECUTION: This court has been appointed by Special Order Number 144, paragraph 17, dated 5 August 1947, Headquarters, European Command. The members of that court appointed by that order are:

Colonel Frank Sillman, President
Colonel Joseph W. Dawson
Colonel Claude O. Huron
Lt. Colonel Lewis S. Tracy
Lt. Colonel Roy J. Morse
Lt. Colonel David N. Thomas
Major Warren D. Vanderbilt

Lieutenant Colonel David D. Thomas is the member of the court having legal experience.

This case has been referred to the court as set up by the communication from Headquarters, 7708th War Crimes Group, European Command, APO 207-1, dated 6 August 1947.

(Thereupon the prosecution read the "Reference for Trial in the Case of U.S. vs Kurt Andrae, et al".)

PROSECUTION: At this time for the record the prosecution states that all members of the court appointed by that order are present. I will now read the order appointing the members of the prosecution and of the defense.

(Thereupon the prosecution read the order assigning counsel.)

PROSECUTION: Oh, Yes, I would like to announce for the record that all the members of the prosecution, all the members of the defense are present.

(Thereupon the prosecution stated the general nature of the Charges and Particulars.)

PROSECUTION: Is any member of the court fundamentally opposed to capital punishment?

PRESIDENT: No.

PROSECUTION: The prosecution will not call any member of the court as a witness. Will the accused call any member of the court as a witness?

DEFENSE COUNSEL: The accused will not call any member of the court as a witness.

PROSECUTION: Has any member of the court a personal interest in the case?

PRESIDENT: No. The court has satisfied itself that it is properly constituted under the laws and rules governing military Government Courts and has jurisdiction over the persons and offenses of the accused. If either the prosecution or the defense has any ground for challenge of any member, it is requested that it be disclosed now.

PROSECUTION: The prosecution has no challenges for cause. Does the defense have any challenge for cause?

DEFENSE COUNSEL: The defense has no challenges for cause.

PRESIDENT: There being no grounds for challenge, the court is declared to be properly constituted. The trial will be conducted in open court.

PROSECUTION: May it please the court, perhaps I should have called the court's attention to the fact before, that there are in the court room individuals who will be witnesses, but I have discussed that matter with the defense. They have no objection to their presence in court up until the time when evidence is introduced.

DEFENSE COUNSEL: Provided the witnesses retire from the courtroom before the introduction of any evidence, the defense has no objection to their remaining in court to witness the preliminary proceedings only. The witnesses will be instructed to withdraw from the courtroom at the time the opening proceedings are finished.

PRESIDENT: The accused are advised that all interlocutory questions arising during this trial will be ruled upon by the president subject to objection of any member of the court. The court will now interrogate the accused, and the accused will approach the bench.

(Thereupon the accused approached the bench.)

DEFENSE COUNSEL: If it please the court, it has just been called to my attention that since the accused are going to be interrogated at this time, they will be asked to state their names and other identifying matters, it will be necessary for us to request that the witnesses be withdrawn at this time, otherwise, it would assist them in identifying the accused at a later time.

PRESIDENT: The defense's point is well taken. Any spectator who is in the courtroom who expects to be a witness in this case will leave.

(Thereupon all spectators who expected to be called as witnesses withdrew from the courtroom.)

PRESIDENT: Number 1, what is your name?

ACCUSED ARTHUR K MI ANDRAE: Arthur Kurt Andrae.

PRESIDENT: What is your age?

ACCUSED ARTHUR KURT ANDRAE: 47 years old.

PRESIDENT: Where is your residence?

ACCUSED ARTHUR KURT ANDRAE: In Flossenbuerg, Upper Palatinate.

PRESIDENT: What is your nationality?

ACCUSED ARTHUR K MI ANDRAE: German.

PRESIDENT: What is your status?

ACCUSED ARTHUR KURT ANDRAE: Civilian internee.

PRESIDENT: Number 2, what is your name?

ACCUSED ERHARD RICHARD BRAUNY: Erhard Richard Brauny.

PRESIDENT: What is your age?

ACCUSED ERHARD RICHARD BRAUNY: 38 years old.

PRESIDENT: Where is your residence?

ACCUSED ERHARD RICHARD BRAUNY: Chemnitz, Saxony.

PRESIDENT: What is your nationality?

ACCUSED ERHARD RICHARD BRAUNY: German.

PRESIDENT: What is your status?

ACCUSED ERHARD RICHARD BRAUNY: Civilian internee.

PRESIDENT: Number 3, what is your name?

ACCUSED OTTO GEORG WERNER BRINKMANN: Otto Georg Werner Brinkmann.

PRESIDENT: What is your age?

ACCUSED OTTO GEORG WERNER BRINKMANN: 37 years old.

PRESIDENT: Where is your residence?

ACCUSED OTTO GEORG WERNER BRINKMANN: Hamburg, Berlsdorf.

PRESIDENT: What is your nationality?

ACCUSED OTTO GEORG WERNER BRINKMANN: German.

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PRESIDENT: What is your status?

ACCUSED OTTO GEORG WERNER BRINKMANN: Civilian internee.

PRESIDENT: Number 4, what is your name?

ACCUSED EMIL OTTO BUEHRING: Emil Otto Buehring.

PRESIDENT: What is your age?

ACCUSED EMIL OTTO BUEHRING: 44 years old.

PRESIDENT: What is your residence?

ACCUSED EMIL OTTO BUEHRING: Langenriep, Post Abenhausen Oldenburg.

PRESIDENT: What is your nationality?

ACCUSED EMIL OTTO BUEHRING: German.

PRESIDENT: What is your status?

ACCUSED EMIL OTTO BUEHRING: Civilian internee.

PRESIDENT: Number 5, what is your name?

ACCUSED HEINZ GEORG ALFRED DETMERS: Heinz Georg Alfred Detmers.

PRESIDENT: What is your age?

ACCUSED HEINZ GEORG ALFRED DETMERS: 28 years old.

PRESIDENT: What is your residence?

ACCUSED HEINZ GEORG ALFRED DETMERS: Norden, Ostfriesland.

PRESIDENT: What is your nationality?

ACCUSED HEINZ GEORG ALFRED DETMERS: German.

PRESIDENT: What is your status?

ACCUSED HEINZ GEORG ALFRED DETMERS: Convicted prisoner.

PRESIDENT: Number 5, Detmers, are you a prisoner of war or civilian internee?

DEFENSE COUNSEL: If it please the court, I can clarify that point. The accused, Detmers, has already been convicted of a war crime, for participation in a war crime here in Dachau, and is serving in Landsberg. He is now being tried on these further charges.

PRESIDENT: Number 6, what is your name?

ACCUSED JOSEF BUCHSLOCH: Josef Buchsloch.

PRESIDENT: Number 6, how old are you?

ACCUSED JOSEF BUCHSLOCH: 51 years old.

PRESIDENT: Where is your residence?

ACCUSED JOSEF BUCHSLOCH: Augsburg.

PRESIDENT: What is your nationality?

ACCUSED JOSEF BUCHSLOCH: German.

PRESIDENT: And what is your status?

ACCUSED JOSEF BUCHSLOCH: Civilian internee.

PRESIDENT: Number 7, what is your name?

ACCUSED KURT HEINRICH: Kurt Heinrich.

PRESIDENT: What is your age?

ACCUSED KURT HEINRICH: 36 years old.

PRESIDENT: Where is your residence?

ACCUSED KURT HEINRICH: Duesseldorf-Rath.

PRESIDENT: What is your nationality?

ACCUSED KURT HEINRICH: German.

PRESIDENT: What is your status?

ACCUSED KURT HEINRICH: Civilian internee.

PRESIDENT: Number 8, what is your name?

ACCUSED OSKAR GEORG HELBIG: Oskar Georg Helbig.

PRESIDENT: What is your age?

ACCUSED OSKAR GEORG HELBIG: 34 years old.

PRESIDENT: Where is your residence?

ACCUSED OSKAR GEORG HELBIG: Steinbach, Kreis Memmingen.

PRESIDENT: What is your nationality?

ACCUSED OSKAR GEORG HELBIG: German.

PRESIDENT: What is your status?

ACCUSED OSKAR GEORG HELBIG: Civilian internee.

PRESIDENT: Number 9, what is your name?

ACCUSED RUDOLF EWALD OTTO JACOBI: Rudolf Ewald Otto Jacobi.

PRESIDENT: What is your age?

ACCUSED RUDOLF EWALD OTTO JACOBI: 37 years old.

PRESIDENT: Where is your residence?

ACCUSED RUDOLF EWALD OTTO JACOBI: Arnstadt.

PRESIDENT: What is your nationality?

ACCUSED RUDOLF EWALD OTTO JACOBI: German.

PRESIDENT: What is your status?

ACCUSED RUDOLF EWALD OTTO JACOBI: Civilian internee.

PRESIDENT: Number 10, what is your name?

ACCUSED JOSEF KILIAN: Josef Kilian.

PRESIDENT: What is your age?

ACCUSED JOSEF KILIAN: 37 years old.

PRESIDENT: Where is your residence?

ACCUSED JOSEF KILIAN: Hamburg.

PRESIDENT: What is your nationality?

ACCUSED JOSEF KILIAN: German.

PRESIDENT: And what is your status?

ACCUSED JOSEF KILIAN: Civilian internee.

PRESIDENT: Number 11, what is your name?

ACCUSED GEORG WILHELM KOENIG: Georg Wilhelm Koenig.

PRESIDENT: What is your age?

ACCUSED GEORG WILHELM KOENIG: 36 years old.

PRESIDENT: Where is your residence?

ACCUSED GEORG WILHELM KOENIG: Dresden.

PRESIDENT: What is your nationality?

ACCUSED GEORG WILHELM KOENIG: German.

PRESIDENT: What is your status?

ACCUSED GEORG WILHELM KOENIG: Civilian internee.

PRESIDENT: Number 12, what is your name?

ACCUSED PAUL MAISCHEIN: Paul Maischein.

PRESIDENT: What is your age?

ACCUSED PAUL MAISCHEIN: 38 years old.

PRESIDENT: Where is your residence?

ACCUSED PAUL MAISCHEIN: Langenheim, Hesse.

PRESIDENT: What is your nationality?

ACCUSED PAUL MAISCHEIN: German.

PRESIDENT: What is your status?

ACCUSED PAUL MAISCHEIN: Civilian Internee.

PRESIDENT: Number 13, what is your name?

ACCUSED HANS MOSER: Hans Moser.

PRESIDENT: What is your age?

ACCUSED HANS MOSER: 41 years old.

PRESIDENT: Where is your residence?

ACCUSED HANS MOSER: Setzstadt, near Kassburg.

PRESIDENT: What is your nationality?

ACCUSED HANS MOSER: German.

PRESIDENT: What is your status?

ACCUSED HANS MOSER: Civilian Internee.

PRESIDENT: Number 14, what is your name?

ACCUSED GEORG JOHANNES RICKHEY: Georg Johannes Rickney.

PRESIDENT: What is your age?

ACCUSED GEORG JOHANNES RICKHEY: 47 years old.

PRESIDENT: Where is your residence?

ACCUSED GEORG JOHANNES RICKHEY: Landsberg, Bavaria.

PRESIDENT: What is your nationality?

ACCUSED GEORG JOHANNES RICKHEY: German.

PRESIDENT: And what is your status?

ACCUSED GEORG JOHANNES RICKHEY: Civilian Internee.

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PRESIDENT: Number 15, what is your name?

ACCUSED SCHMIDT: Heinrich Schmidt.

PRESIDENT: What is your age?

ACCUSED SCHMIDT: 35 years old.

PRESIDENT: What is your residence?

ACCUSED SCHMIDT: Rudolstadt, Thuringia.

PRESIDENT: What is your nationality?

ACCUSED SCHMIDT: German.

PRESIDENT: What is your status?

ACCUSED SCHMIDT: Civilian internee.

PRESIDENT: Number 16 what is your name?

ACCUSED SIMON: Wilhelm Simon.

PRESIDENT: What is your age?

ACCUSED SIMON: 47 years old.

PRESIDENT: Where is your residence?

ACCUSED SIMON: Flintsbach.

PRESIDENT: What is your nationality?

ACCUSED SIMON: German.

PRESIDENT: What is your status?

ACCUSED SIMON: Civilian internee.

PRESIDENT: Number 17, what is your name?

ACCUSED ULBRICHT: Walter Ulbricht.

PRESIDENT: What is your age?

ACCUSED ULBRICHT: 43 years old.

PRESIDENT: What is your residence?

ACCUSED ULBRICHT: Magdlos, Kreis Fulda.

PRESIDENT: What is your nationality?

ACCUSED ULBRICHT: German.

PRESIDENT: What is your status?

ACCUSED ULRICHT: Civilian internee.

PRESIDENT: Number 18, what is your name?

ACCUSED WALENTA: Richard Walenta.

PRESIDENT: What is your age?

ACCUSED WALENTA: 35 years old.

PRESIDENT: Where is your residence?

ACCUSED WALENTA: Regensburg.

PRESIDENT: What is your nationality?

ACCUSED WALENTA: German.

PRESIDENT: What is your status?

ACCUSED WALENTA: Civilian internee.

PRESIDENT: Number 19, what is your name?

ACCUSED ZWIRNER: Willi Zwirner.

PRESIDENT: What is your age?

ACCUSED ZWIRNER: 39 years old.

PRESIDENT: Where is your residence?

ACCUSED ZWIRNER: Kassel.

PRESIDENT: What is your nationality?

ACCUSED ZWIRNER: German.

PRESIDENT: What is your status?

ACCUSED ZWIRNER: Civilian internee.

PRESIDENT: You are all advised that under the laws of military Government you are entitled in this court to the following:

1. To have, in advance of trial, a copy of the charges upon which you will be tried.

2. To be present at your trial, to give evidence, and to examine or cross examine any witness.

3. To consult counsel before trial and to conduct your own defense or

to be represented at the trial by a lawyer of your own choice, subject to the right of this court to debar any person from appearing before it.

4. In any case in which sentence of death may be imposed to be represented by a member or civilian attorney of the United States Forces and such other counsel as the accused may designate.

5. To bring with you to this trial such material witnesses in your own defense as you may wish, or to have them summoned by the court at your request, if practicable.

6. To apply to the court for an adjournment where necessary to enable you to prepare your defense.

7. To have the proceedings translated when you are otherwise unable to understand the language in which they are conducted.

8. In the event of conviction, to file a petition for review to the appointing authority setting forth grounds why the findings and sentence should be set aside or modified.

PRESIDENT: Arthur Andrae, do you understand your rights before this court?

ACCUSED ANDRAE: Yes.

PRESIDENT: Are you now ready for trial in this case?

ACCUSED ANDRAE: Yes.

PRESIDENT: Has a copy of the charge sheet been served upon you prior to trial?

ACCUSED ANDRAE: Yes.

PRESIDENT: Were you photographed and fingerprinted at the time you were served with the charges?

ACCUSED ANDRAE: Yes.

PRESIDENT: The prosecution will now offer in evidence as Exhibit P-1 the accomplished WCG Form Number 28 relating to the accused Andrae.

PROSECUTION: I hand the reporter documents, being executed WCG

Forms Number 38 of each and every one of the accused and ask that they be marked as Prosecutions Exhibits P-1 through P-19 inclusive.

(Whereupon the documents referred to were marked as Prosecutions Exhibits P-1 through P-19 inclusive for identification.)

PROSECUTION: The prosecution now offers in evidence the executed WCG Form Number 38 of the accused Andrae which has previously been marked Prosecutions Exhibit for identification P-1 and asks that it be received in evidence as Prosecutions Exhibit P-1.

DEFENSE COUNSEL: No objection.

PRESIDENT: Prosecutions Exhibit P-1 will be admitted in evidence.

(The document heretofore marked as Prosecutions Exhibit P-1 for identification was received into evidence as Prosecutions Exhibit P-1, is attached hereto and made a part of the record.)

PROSECUTION: For the record, may it please the court, I would like to read into the record a stipulation that the correct name of the accused is Arthur Kurt Andrae, A-N-D-R-E-A. Is that agreed to by the accused?

DEFENSE COUNSEL: I think it is A-E.

PRESIDENT: Does the defense agree?

INTERPRETER: The correct spelling is A-N-D-R-A-E.

DEFENSE COUNSEL: The defense will stipulate that that is the correct name.

PRESIDENT: It will be so noted.

Erhard Brauny do you understand your rights before this court?

ACCUSED BRAUNY: Yes.

PRESIDENT: Are you now ready for trial in this case?

ACCUSED BRAUNY: Yes.

PRESIDENT: Has a copy of the charge sheet been served upon you prior to trial?

ACCUSED BRAUNY: Yes.

PRESIDENT: Were you photographed and fingerprinted at the time you were served with the charges?

ACCUSED BRAUNY: Yes.

PRESIDENT: The prosecution will now offer in evidence as Exhibit P-2 the accomplished WCG Form Number 38 relating to the accused Brauny.

PROSECUTION: The prosecution now offers in evidence the executed WCG Form Number 38 of the accused Brauny which has previously been marked Prosecutions Exhibit for identification P-2 and asks that it be received in evidence and marked Prosecutions Exhibit P-2.

DEFENSE COUNSEL: No objection.

PRESIDENT: Prosecutions Exhibit P-2 will be admitted into evidence.

(The document heretofore marked as Prosecutions Exhibit P-2 for identification was received into evidence as Prosecutions Exhibit P-2, is attached hereto and made a part of the record.)

PRESIDENT: Otto Georg Werner Brinkmann, do you understand your rights before this court?

ACCUSED BRINKMANN: Yes.

PRESIDENT: Are you now ready for trial in this case?

ACCUSED BRINKMANN: Yes.

PRESIDENT: Has a copy of the charge sheet been served upon you prior to trial?

ACCUSED BRINKMANN: Yes.

PRESIDENT: Were you photographed and fingerprinted at the time you were served with the charges?

ACCUSED BRINKMANN: Yes.

PRESIDENT: The prosecution will now offer in evidence as Exhibit P-3 the accomplished WCG Form Number 38 relating to the accused Brinkmann.

PROSECUTION: The prosecution now offers in evidence the executed WCG Form Number 38 for the accused Brinkmann which has previously been marked

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Prosecutions Exhibit P-3 for identification and asks that it be received in evidence and marked Prosecutions Exhibit P-3.

DEFENSE COUNSEL: No objection.

PRESIDENT: Prosecutions Exhibit P-3 will be admitted into evidence

(The document heretofore marked as Prosecutions Exhibit P-3 for identification was received into evidence as Prosecutions Exhibit P-3, is attached hereto and made a part of the record.)

PRESIDENT: Emil Otto Buehring, do you understand you rights before this court?

ACCUSED BUEHRING: Yes.

PRESIDENT: Are you now ready for trial in this case?

ACCUSED BUEHRING: Yes.

PRESIDENT: Has a copy of the charge sheet been served upon you prior to trial?

ACCUSED BUEHRING: Yes.

PRESIDENT: Were you photographed and fingerprinted at the time you were served with the charges?

ACCUSED BUEHRING: Yes.

PRESIDENT: The prosecution will now offer in evidence as Exhibit P-4 the accomplished WCG Form Number 38 relating to the accused Buehring.

PROSECUTION: The prosecution now offers in evidence the executed WCG Form Number 38 for the accused Buehring which has previously been marked Prosecutions Exhibit for identification P-4 and asks that it be received in evidence and marked Prosecutions Exhibit P-4.

DEFENSE COUNSEL: No objection.

PRESIDENT: Prosecutions Exhibit P-4 will be admitted into evidence.

(The document heretofore marked as Prosecutions Exhibit P-4 for identification was received into evidence as Prosecutions Exhibit P-4, is attached hereto and made a part of the record.)

PRESIDENT: Heinz Georg Alfred Dotmers, do you understand your rights before this court?

ACCUSED DETMERS: Yes.

PRESIDENT: Are you now ready for trial in this case?

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ACCUSED DETMERS: Yes.

PRESIDENT: Has a copy of the charge sheet been served upon you prior to trial?

ACCUSED DETMERS: Yes.

PRESIDENT: Were you photographed and fingerprinted at the time you were served with the charges?

ACCUSED DETMERS: Yes.

PRESIDENT: The prosecution will now offer in evidence as Exhibit P-5 the accomplished WCC Form Number 38 relating to the accused Detmers.

PROSECUTION: The prosecution now offers in evidence the executed WCC From Number 38 of the accused Detmers which has previously been marked Prosecutions Exhibit for identification P-5 and asks that it be received in evidence and marked Prosecutions Exhibit P-5.

DEFENSE COUNSEL: No objection.

PRESIDENT: Prosecutions Exhibit P-5 will be admitted into evidence.

(The document heretofore marked as Prosecutions Exhibit P-5 for identification was received into evidence as Prosecutions Exhibit P-5, is attached hereto and made a part of the record.)

PROSECUTION: Might I interrupt a moment to offer a stipulation which has previously been agreed to. The correct spelling of the accused Detmer's name is with one "T" only on the charge sheet it appears with two "T's".

DEFENSE COUNSEL: The defense will so stipulate.

PRESIDENT: It will be so noted.

Josef Fuchsloch, do you understand your rights before this court?

ACCUSED FUCHSLOCH: Yes.

PRESIDENT: Are you now ready for trial in this case?

ACCUSED FUCHSLOCH: Yes.

PRESIDENT: Has a copy of the charge sheet been served upon you prior to trial?

ACCUSED FUCHSLOCH: Yes.

PRESIDENT: Were you photographed and fingerprinted at the time you were served with the charges?

ACCUSED FUCHSLOCH: Yes.

PRESIDENT: The prosecution will now offer in evidence as Exhibit P-6 the accomplished NCO Form Number 38 relating to the accused Fuchsloch.

PROSECUTION: The prosecution now offers in evidence the executed NCO Form Number 38 for the accused Fuchsloch which has previously been marked Prosecutions Exhibit for identification P-6 and asks that it be received in evidence and marked Prosecutions Exhibit P-6.

DEFENSE COUNSEL: No objection.

PRESIDENT: Prosecutions Exhibit P-6 will be admitted into evidence.

(The document heretofore marked as Prosecutions Exhibit P-6 for identification was received into evidence as Prosecutions Exhibit P-6, is attached hereto and made a part of the record.)

PRESIDENT: Kurt Heinrich, do you understand your rights before this court?

ACCUSED HEINRICH: Yes.

PRESIDENT: Are you now ready for trial in this case?

ACCUSED HEINRICH: Yes.

PRESIDENT: Has a copy of the charge sheet been served upon you prior to trial?

ACCUSED HEINRICH: Yes.

PRESIDENT: Were you photographed and fingerprinted at the time you were served with the charges?

ACCUSED HEINRICH: Yes.

PRESIDENT: The prosecution will now offer in evidence as Exhibit P-7 the accomplished WCO Form Number 38 relating to the accused Heinrich.

PROSECUTION: The prosecution now offers in evidence the executed WCO Form Number 38 of the accused Heinrich which has previously been marked Prosecutions Exhibit for identification P-7 and asks that it be received in evidence and marked Prosecutions Exhibit P-7.

DEFENSE COUNSEL: No objection.

PRESIDENT: Prosecutions Exhibit P-7 will be admitted into evidence.

(The document heretofore marked as Prosecutions Exhibit P-7 for identification was received into evidence as Prosecutions Exhibit P-7, is attached hereto and made a part of this record.)

PRESIDENT: Oskar Georg Helbig, do you understand your rights before this court?

ACCUSED HELBIG: Yes.

PRESIDENT: Are you now ready for trial in this case?

ACCUSED HELBIG: Yes.

PRESIDENT: Has a copy of the charge sheet been served upon you prior to trial?

ACCUSED HELBIG: Yes.

PRESIDENT: Were you photographed and fingerprinted at the time you were served with the charges?

ACCUSED HELBIG: Yes.

PRESIDENT: The prosecution will now offer in evidence as Exhibit P-8 the accomplished WCG Form Number 68 relating to the accused Helbig.

PROSECUTION: The prosecution now offers in evidence the executed WCG Form Number 68 of the accused Helbig which has previously been marked Prosecutions Exhibit for identification P-8 and asks that it be received in evidence and marked Prosecutions Exhibit P-8.

DEFENSE COUNSEL: No objection.

PRESIDENT: Prosecutions Exhibit P-8 will be admitted into evidence.

(The document heretofore marked as Prosecutions Exhibit P-8 for identification was received into evidence as Prosecutions Exhibit P-8, is attached hereto and made a part of the record.)

PRESIDENT: Rudolf Jacobi, do you understand your rights before this court?

ACCUSED JACOBI: Yes.

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PRESIDENT: Are you now ready for trial in this case?

ACCUSED JACOBI: Yes.

PRESIDENT: Has a copy of the charge sheet been served upon you prior to trial?

ACCUSED JACOBI: Yes.

PRESIDENT: Were you photographed and fingerprinted at the time you were served with the charges?

ACCUSED JACOBI: Yes.

PRESIDENT: The prosecution will now offer in evidence as Exhibit P-9 the accomplished KCG Form Number 38 relating to the accused Jacobi.

PROSECUTION: The prosecution now offers in evidence the executed KCG Form Number 38 of the accused Jacobi which has previously been marked Prosecutions Exhibit for identification P-9 and asks that it be received in evidence and marked Prosecutions Exhibit P-9.

DEFENSE COUNSEL: No objection.

PRESIDENT: Prosecutions Exhibit P-9 will be admitted into evidence.

(The document heretofore marked as Prosecutions Exhibit P-9 for identification was received into evidence as Prosecutions Exhibit P-9, is attached hereto and made a part of the record.)

PRESIDENT: JosefKilian, do you understand your rights before this court?

ACCUSED KILIAN: Yes.

PRESIDENT: Are you now ready for trial in this case?

ACCUSED KILIAN: Yes.

PRESIDENT: Has a copy of the charge sheet been served upon you prior to trial?

ACCUSED KILIAN: Yes.

PRESIDENT: Were you photographed and fingerprinted at the time you were served with the charges?

ACCUSED KILIAN: Yes.

PRESIDENT: The prosecution will now offer in evidence as Exhibit P-10 the accomplished WCG Form Number 38 relating to the accused Kilian.

PROSECUTION: The prosecution now offers in evidence the executed WCG, Form Number 38 of the accused Kilian which has previously been marked Prosecutions Exhibit for identification P-10 and asks that it be received in evidence and marked Prosecutions Exhibit P-10.

DEFENSE COUNSEL: No objection.

PRESIDENT: Prosecutions Exhibit P-10 will be admitted into evidence.

(The document heretofore marked as Prosecutions Exhibit P-10 for identification was received into evidence as Prosecutions Exhibit P-10, is attached hereto and made a part of the record.)

PRESIDENT: Georg Wilhelm Koenig, do you understand your rights before this court?

ACCUSED KOENIG: Yes.

PRESIDENT: Are you now ready for trial in this case?

ACCUSED KOENIG: Yes.

PRESIDENT: Has a copy of the charge sheet been served upon you prior to trial?

ACCUSED KOENIG: Yes.

PRESIDENT: Were you photographed and fingerprinted at the time you were served with the charges?

ACCUSED KOENIG: Yes.

PRESIDENT: The prosecution will now offer in evidence as Exhibit P-11 the accomplished WCG Form 38 relating to the accused Koenig.

PROSECUTION: The prosecution now offers in evidence the executed WCG Form Number 38 of the accused Koenig which has previously been marked Prosecutions Exhibit for identification P-11 and asks that it be received in evidence as Prosecutions Exhibit P-11.

DEFENSE COUNSEL: No objection.

PRESIDENT: Prosecutions Exhibit P-11 will be admitted into evidence.

(The document heretofore marked as Prosecutions Exhibit P-11 for identification was received into evidence as Prosecutions Exhibit P-11, is attached hereto and made a part of the record.)

PRESIDENT: Paul Maischein, do you understand your rights before this court?

ACCUSED MAISCHEIN: Yes.

PRESIDENT: Are you now ready for trial in this case?

ACCUSED MAISCHEIN: Yes.

PRESIDENT: Has a copy of the charge sheet been served upon you prior to trial?

ACCUSED MAISCHEIN: Yes.

PRESIDENT: Were you photographed and fingerprinted at the time you

were served with the charges?

ACCUSED MAISCHEIN: Yes.

PRESIDENT: The prosecution will now offer in evidence as Exhibit P-12 the accomplished WCO Form 38 relating to the accused Maischein.

PROSECUTION: The prosecution now offers in evidence the executed WCO Form Number 38 of the accused Maischein which has previously been marked Prosecutions Exhibit for identification P-12 and asks that it be marked and received in evidence as Prosecutions Exhibit P-12.

DEFENSE COUNSEL: No objection.

PRESIDENT: Prosecutions Exhibit P-12 will be admitted into evidence.

(The document heretofore marked as Prosecutions Exhibit P-12 for identification was received into evidence as Prosecutions Exhibit P-12, is attached hereto and made a part of the record.)

PRESIDENT: Hans Moeser, do you understand your rights before this court?

ACCUSED MOESER: Yes.

PRESIDENT: Are you now ready for trial in this case?

ACCUSED MOESER: Yes.

PRESIDENT: Has a copy of the charge sheet been served upon you prior to trial?

ACCUSED MOESER: Yes.

PRESIDENT: Were you photographed and fingerprinted at the time you were served with the charges?

ACCUSED MOESER: Yes.

PRESIDENT: The prosecution will now offer in evidence as Exhibit P-13 the accomplished WCG Form 38 relating to the accused Moeser.

PROSECUTION: The prosecution now offers in evidence the executed WCG Form Number 38 of the accused Moeser which has previously been marked Prosecutions Exhibit for identification P-13 and asks that it be received in evidence and marked as Prosecutions Exhibit P-13.

DEFENSE COUNSEL: No objection.

PRESIDENT: Prosecutions Exhibit P-13 will be admitted into evidence.

(The document heretofore marked as Prosecutions Exhibit P-13 for identification was received into evidence as prosecutions Exhibit P-13, is attached hereto and made a part of the record.)

PRESIDENT: Georg Johannes Rickhey, do you understand your rights before this court?

ACCUSED RICKHEY: Yes.

PRESIDENT: Are you now ready for trial in this case?

ACCUSED RICKHEY: Under those conditions as they were mentioned previously by my lawyer, yes.

PRESIDENT: Has a copy of the charge sheet been served upon you prior to trial?

ACCUSED RICKHEY: Yes.

PRESIDENT: Were you photographed and fingerprinted as the time you were served with the charges?

ACCUSED RICKHEY: Yes.

PRESIDENT: The prosecution will now offer in evidence as Exhibit P-14 the accomplished WCG Form 38 relating to the accused Rickhey.

PROSECUTION: The prosecution now offers in evidence the executed NCO Form Number 38 of the accused Rickhey which has previously been marked Prosecutions Exhibit for identification P-14 and asks that it be received in evidence and marked as Prosecutions Exhibit P-14.

DEFENSE COUNSEL: No objection.

PRESIDENT: Prosecutions Exhibit P-14 will be admitted into evidence.

(The document heretofore marked as Prosecutions Exhibit P-14 for identification was received into evidence as prosecutions Exhibit P-14, is attached hereto and made a part of the record.)

PRESIDENT: Heinrich Schmidt, do you understand your rights before this court?

ACCUSED SCHMIDT: Yes.

PRESIDENT: Are you now ready for trial in this case?

ACCUSED SCHMIDT: Under the conditions they brought out, my lawyer brought out, yes.

PRESIDENT: Has a copy of the charge sheet been served upon you prior to trial?

ACCUSED SCHMIDT: Yes.

PRESIDENT: Were you photographed and fingerprinted at the time you were served with the charges?

ACCUSED SCHMIDT: Yes.

PRESIDENT: The prosecution will now offer in evidence as Exhibit P-15 the accomplished NCO Form 38 relating to the accused Rickhey.

PROSECUTION: The prosecution now offers in evidence as directed the executed NCO Form Number 38 of the accused Schmidt which has previously been marked for identification as Prosecutions Exhibit P-15 and asks that it be received in evidence and marked as Prosecutions Exhibit P-15.

DEFENSE COUNSEL: No objection.

PRESIDENT: Prosecutions Exhibit P-15 will be admitted into evidence.

(The document heretofore marked as Prosecuti ns Exhibit P-15 for identification was received into evidence as Prosecutions Exhibit P-15, is attached hereto and made a part of the record.)

PRESIDENT: Wilhelm Simon, do you understand your rights before this court?

ACCUSED SIMON: Yes.

PRESIDENT: Are you now ready for trial in this case?

ACCUSED SIMON: Under the condition as they were lined out by my lawyer, yes.

PRESIDENT: Has a copy of the charge sheet been served upon you prior to trial?

ACCUSED SIMON: Yes.

PRESIDENT: Were you photographed and fingerprinted at the time you were served with the charges?

ACCUSED SIMON: Yes.

PROSECUTION: The prosecution will now offer in evidence as Exhibit P-16 the accomplished NCG Form 38 relating to the accused Simon.

PROSECUTION: The prosecution now offers in evidence a directed the executed NCG Form Number 38 of the accused Simon which has previously been marked for identification as Prosecutions Exhibit P-16 and asks that it be received in evidence and marked as Prosecutions Exhibit P-16.

DEFENSE COUNSEL: No objection.

PRESIDENT: Prosecutions Exhibit P-16 will be admitted into evidence.

(The document heretofore marked as Prosecutions Exhibit P-16 for identification was received into evidence as prosecutions Exhibit P-16, is attached hereto and made a part of the record.)

PRESIDENT: Walter Ulbricht, do you understand your rights before this court?

ACCUSED ULBRICHT: Yes.

PRESIDENT: Are you now ready for trial in this case?

ACCUSED ULBRICHT: Yes.

PRESIDENT: Has a copy of the charge sheet been served upon you prior to trial?

ACCUSED ULBRICHT: Yes.

PRESIDENT: Were you photographed and fingerprinted at the time you were served with the charges?

ACCUSED ULBRICHT: Yes.

PRESIDENT: The prosecution will now offer in evidence as Exhibit P-17 the accomplished NCO Form 38 relating to the accused Ulbricht.

PROSECUTION: The prosecution now offers in evidence as directed the executed NCO Form Number 38 of the accused Ulbricht which has previously been marked for identification as Prosecution Exhibit P-17 and asks that it be received in evidence and marked as Prosecutions Exhibit P-17.

DEFENSE COUNSEL: No objection.

PRESIDENT: Prosecutions Exhibit P-17 will be admitted into evidence

(The document heretofore marked as Prosecutions Exhibit P-17 for identification was received into evidence as prosecutions Exhibit P-17, is attached hereto and made a part of the record.)

PRESIDENT: Richard Valenta, do you understand your rights before this court?

ACCUSED VALENTA: Yes.

PRESIDENT: Are you now ready for trial in this case?

ACCUSED VALENTA: Under conditions as my lawyer pointed them out, yes.

PRESIDENT: Has a copy of the charge sheet been served upon you prior to trial?

ACCUSED VALENTA: Yes.

PRESIDENT: Were you photographed and fingerprinted at the time you were served with the charges?

ACCUSED VALENTA: Yes.

PRESIDENT: The prosecution will now offer in evidence as Exhibit P-18 the accomplished WCG Form 38 relating to the accused Valenta.

PROSECUTION: The prosecution now offers in evidence as directed the executed WCG Form Number 38 of the accused Valenta which has previously been marked for identification as Prosecutions Exhibit P-18 and asks that it be received in evidence and marked as Prosecutions Exhibit P-18.

DEFENSE COUNSEL: No objection.

PRESIDENT: Prosecutions Exhibit P-18 will be admitted into evidence.

(The document heretofore marked as Prosecutions Exhibit P-18 for identification was received into evidence as Prosecutions Exhibit P-18, is attached hereto and made a part of the record.)

PRESIDENT: Willi Zwiener, do you understand your rights before this court?

ACCUSED ZWIENER: Yes.

PRESIDENT: Are you now ready for trial in this case?

ACCUSED ZWIENER: Yes.

PRESIDENT: Has a copy of the charge sheet been served upon you prior to trial?

ACCUSED ZWIENER: Yes.

PRESIDENT: Were you photographed and fingerprinted at the time you were served with the charges?

ACCUSED ZWIENER: Yes.

PRESIDENT: The prosecution will now offer in evidence as Exhibit P-19 the accomplished WCG Form 38 relating to the accused Zwiener.

PROSECUTION: The prosecution now offers in evidence as directed the executed WCG Form Number 38 of the accused Zwiener which has previously been marked for identification as Prosecutions Exhibit P-19 and asks that it be received in evidence and marked as Prosecutions Exhibit P-19.

DEFENSE COUNSEL: No objection.

PRESIDENT: Prosecutions Exhibit P-19 will be admitted into evidence.

(The document heretofore marked as Prosecutions Exhibit P-19 for identification was received into evidence as Prosecutions Exhibit P-19, is attached hereto and made a part of the record.)

PRESIDENT: The accused will take their place in the dock.

(Whereupon the accused did as they were directed.)

PRESIDENT: The court will recess for 20 minutes.

(Whereupon at 1035 hours the court recessed.)

(Thereupon the court reconvened at 1055 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all the members of the court are present; all personnel of the prosecution and defense are present; all the accused are present; the reporter and interpreter are both present.

PRESIDENT: The accused will approach the bench.

(Thereupon the accused did as directed.)

PRESIDENT: I will now read to you the charge and the particulars.

(Whereupon the president read the charge and particulars.)

PRESIDENT: The name of the accused, Josef Kilian, is included in the particulars which I have just read.

PROSECUTION: May it please the court, the name, Kilian, was added by an amendment to the original charge sheet and I would suggest that for the matter of record that the amendment would be also read.

PRESIDENT: I will now read to you the amendment to the charge and particulars which you have already heard.

(Whereupon the president read the amendment to the charge and particulars.)

PROSECUTION: There is another matter, may it please the court. When the accused were poled, each of them admitted being served with the charge sheet. Actually, in fact, all of them were served with the charge sheet and the amendment and I would like to know if the defense at this time would stipulate that the accused were served with the charge sheet and the amendment.

DEFENSE COUNSEL: The defense will so stipulate.

(Thereupon the court reconvened at 1055 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all the members of the court are present; all personnel of the prosecution and defense are present; all the accused are present; the reporter and interpreter are both present.

PRESIDENT: The accused will approach the bench.

(Thereupon the accused did as directed.)

PRESIDENT: I will now read to you the charge and the particulars.

(Whereupon the president read the charge and particulars.)

PRESIDENT: The name of the accused, Josef Kilian, is included in the particulars which I have just read.

PROSECUTION: May it please the court, the name, Kilian, was added by an amendment to the original charge sheet and I would suggest that for the matter of record that the amendment would be also read.

PRESIDENT: I will now read to you the amendment to the charge and particulars which you have already heard.

(Whereupon the president read the amendment to the charge and particulars.)

PROSECUTION: There is another matter, may it please the court. When the accused were poled, each of them admitted being served with the charge sheet. Actually, in fact, all of them were served with the charge sheet and the amendment and I would like to know if the defense at this time would stipulate that the accused were served with the charge sheet and the amendment.

DEFENSE COUNSEL: The defense will so stipulate.

PROSECUTION: May I ask that the stipulation be received?

PRESIDENT: The stipulation will be received and noted on the record.

PLEAS

PRESIDENT: Arthur Andrae, do you understand the charge and particulars?

THE ACCUSED ANDRAE: Yes.

PRESIDENT: How do you plead, guilty or not guilty?

THE ACCUSED ANDRAE: Not guilty.

PRESIDENT: Erhard Richard Brauny, do you understand the charge and particulars?

THE ACCUSED BRAUNY: Yes.

PRESIDENT: How do you plead, guilty or not guilty?

THE ACCUSED BRAUNY: Not guilty.

PRESIDENT: Otto Brinkmann, do you understand the charge and particulars?

THE ACCUSED BRINKMANN: Yes.

PRESIDENT: How do you plead, guilty or not guilty?

THE ACCUSED BRINKMANN: Not guilty.

PRESIDENT: Emil Otto Buehring, do you understand the charge and particulars?

THE ACCUSED BUEHRING: Yes.

PRESIDENT: How do you plead, guilty or not guilty?

THE ACCUSED BUEHRING: Not guilty.

PRESIDENT: Heinz George Alfred Detmers, do you understand the charge and particulars?

THE ACCUSED DETMERS: Yes.

PRESIDENT: How do you plead, guilty or not guilty?

THE ACCUSED DEUTSCH: Not guilty.

PRESIDENT: Josef Fuchsloch, do you understand the charge and particulars?

THE ACCUSED FUCHSLOCH: Yes.

PRESIDENT: How do you plead, guilty, or not guilty?

THE ACCUSED FUCHSLOCH: Not guilty and having no knowled e.

PRESIDENT: Kurt Heinrich, do you understand the charge and particulars?

THE ACCUSED HEINRICH: Yes.

PRESIDENT: How do you plead, guilty or not guilty?

THE ACCUSED HEINRICH: Not guilty.

PRESIDENT: I wish the second rank would come up to the first rank and the first rank will go back to the third.

(Thereupon the accused did as instructed.)

PRESIDENT: Oskar Georg Helbig, do you understand the charge and particulars?

THE ACCUSED HELBIG: Yes.

PRESIDENT: How do you plead, guilty or not guilty?

THE ACCUSED HELBIG: Not guilty.

PRESIDENT: Rudolf Jacobi, do you understand the charge and particulars?

THE ACCUSED JACOBI: Yes.

PRESIDENT: How do you ple d, guilty or not guilty?

THE ACCUSED JACOBI: Not Guilty.

PRESIDENT: Josef Kilian, do you understand the charge and particulars?

THE ACCUSED KILIAN: Yes.

Te. J. Nordhauser
8/7/47 Lt.w.c.

PRESIDENT: How do you plead, guilty or not guilty?

THE ACCUSED [illegible]: Not guilty.

PRESIDENT: Georg Wilhelm Koenig, do you understand the charge and particulars?

THE ACCUSED KOENIG: Yes.

PRESIDENT: How do you plead, guilty or not guilty?

THE ACCUSED KOENIG: Not guilty.

PRESIDENT: Paul Maischein, do you understand the charge and particulars?

THE ACCUSED MAISCHEIN: Yes.

PRESIDENT: How do you plead, guilty or not guilty?

THE ACCUSED MAISCHEIN: Not guilty.

PRESIDENT: Hans Boesser, do you understand the charge and particulars?

THE ACCUSED BOESSER: Yes.

PRESIDENT, How do you plead, guilty or not guilty?

THE ACCUSED BOESSER: Not guilty.

PRESIDENT: I want the formation to change, this first rank to become the rear rank and the rear rank the front rank.

(Thereupon the accused did as instructed.)

PRESIDENT: Georg Johannes Rickhey, do you understand the charge and particulars?

THE ACCUSED RICKHEY: Yes.

PRESIDENT: How do you plead, guilty or not guilty?

THE ACCUSED RICKHEY: Not guilty.

PRESIDENT: Heinrich Schmidt, do you understand the charge and particulars?

THE ACCUSED SCHMIDT: Yes.

PRESIDENT: How do you plead, guilty or not guilty?

THE ACCUSED SCHMIDT: Not guilty.

PRESIDENT: Wilhelm Simon, do you understand the charge and particulars?

THE ACCUSED SIMON: Yes.

PRESIDENT: How do you plead, guilty or not guilty?

THE ACCUSED SIMON: Not guilty.

PRESIDENT: Walter Ulbricht, do you understand the charge and particulars?

THE ACCUSED ULBRICHT: Yes.

PRESIDENT: How do you plead, guilty or not guilty?

THE ACCUSED ULBRICHT: Not Guilty.

PRESIDENT: Richard Walenta, do you understand the charge and particulars?

THE ACCUSED WALENTA: Yes.

PRESIDENT: How do you plead, guilty or not guilty?

THE ACCUSED WALENTA: Not guilty.

PRESIDENT: Willi Zwiener, do you understand the charge and particulars?

THE ACCUSED ZWIENER: Yes.

PRESIDENT: How do you plead, guilty or not guilty?

THE ACCUSED ZWIENER: Not guilty.

PRESIDENT: The accused will take their places in the dock.

(Whereupon the accused resumed their places in the dock.)

PROSECUTION: May it please the court, before making the prosecution's opening statement, may I ask the court to designate officially for the record the numbers by which the

accused have previously been referred to. We will ask the court to designate Andrae as No. 1; Braany, 2; Brinkmann, 3; Buehring, 4; Detmers, 5; Fuchslech, 6; Heinrich, 7; Helbig, 8; Jacobi, 9; Kilian, 10; Koenig, 11; Maischein, 12; Meeser, 13; Richhey, 14; Schmidt, 15; Simon, 16; Ulbricht, 17; Walenta, 18; Zwiener, 19.

PRESIDENT: The accused will be so designated.

PROSECUTION: One other thing I would like to have made a part of the record is a copy of the charge sheet as amended together with a Certificate of Service.

DEFENSE COUNSEL: No objection.

PRESIDENT: The charge sheet as offered by the prosecution will be admitted to the record together with the amendment.

PROSECUTION: The certificate of service also, please.

PRESIDENT: And the certificate of service.

PROSECUTION: May it please the court, the trial which has begun has brought to the power of justice some nineteen individuals who participated in various capacities in the operation of concentration camp, Dora, officially called Mittelbau and some 31 sub-camps. The evidence will show that the accused as a part of a common plan with others subjected Russians and Poles, Frenchmen, Dutchmen, Belgians, Italians, Jews, to indignities, tortures, and to enforced slave labor in Dora and its sub-camps.

The evidence will also show that among these people subjected to these crimes were prisoners of war. Among these

prisoners of war were Italians, Russians, Frenchmen, and even one American. This camp started originally as a sub-camp of Buchenwald. The first contingent arrived in an open field from Buchenwald sometime in July of 1943. On October 1, 1944, Dora, with its sub-camps, because of the importance it had assumed and of its size, was officially declared to be a concentration camp.

The prosecution feels it unnecessary in its opening statement to refer to the fact that these prisoners were starved to death; beaten to death; shot to death; hung until they were dead, and left out in inclement weather for days until they died from freezing or respiratory or pulmonary diseases. Dora was a concentration camp with the avowed purpose of exterminating those who were sent to it. The method of extermination was not the gas chamber, but the method of working them to death, and this they proceeded to do. Dora, and its subordinate camps, play, the prosecution believes, a particularly unique role among concentration camps. It was created out of the needs of the German war machine. Back in 1936 or 1938 a plan was made for tunneling in a mountain called Kohnstein. Kohnstein and the surrounding hills in the Harz mountains are dome shaped formations almost like our dome shaped formations in America, except in America they are probably oil producing and here they were producing calcium sulphate. In 1936 or 1938 the I. G. Farben Company suggested to the German Economic Association that Kohnstein be mined by tunneling to serve the purpose of producing calcium sulphate and at the same time,

underground storage for gasoline products which Germany wanted. Plans were drawn to that effect and the excavation was begun. And then came Peenemuende and its destruction by the allied air power of the German manufacture of V-weapons. It became necessary to put the construction of these weapons on the ground and a place was sought for. The place finally selected was Kohnstein with the tunnels which had been excavated for the purposes of underground storage. These plans were resurrected, completed, and the first contingent of slave labor sent from Buchenwald to this open field which subsequently became known as Dora. There were no barracks and no houses; only these tunnels, and so the people were put into the tunnels. At that time one of the big tunnels had been completely constructed, one of the second main tunnels partly constructed, and some connecting tunnels also partly constructed.

The first witness for the prosecution will be the prisoner who built bunks in these connecting tunnels surrounded by rock, four high. Areas designed to hold a thousand prisoners housed two and three thousand prisoners, two and three in a bed. Because of lack of air, the hazards of the mining operations, and other causes, they died like flies. The operation of machinery was installed and by the time of the end of the war the manufacture of V-1 and V-2 was in full operation in these tunnels and production had reached a very substantial rate and other tunnels were projected and partly completed.

The circumstances under which they worked and lived and died will be described by the witnesses to be produced. I do not suppose it is necessary at this time to relate in an opening statement the part played by the various accused, excepting that a few general comments might be of assistance. The evidence will show that Andrae was the man that stole all the packages that came for the prisoners, that food and other condiments and eatables, or edibles, which might have prolonged the life of a starving prisoner were taken by him and distributed either to his friends or to capos and others for their reward in participation in the crimes which took place.

For instance, when Lilian, the henchman, had performed his function, that is No. 10, he might receive his reward in the shape of cigarettes and chocolates and food stuff which Andrae and his henchmen had taken from a prisoner. "alenta was the master spy. "Tell me the truth and I will help you" and then he would run to the SD and then Bushring would pick up the prisoner and bring him to the bunker for interrogation, and Lilian and Zweiner would hang him afterwards. The prisoner could be shivering with lack of clothing, out in inclement weather, but Welbig, in charge of clothing, would let him freeze even though the evidence will show that the end of the war found that storehouses and warehouses filled to the brim with brand new and other usable clothing. If a prisoner being brought to the gallows struggled and showed the slightest resistence, Houser would shoot him in the back of the head, and if he survived the hanging and strangulation, he would give him the mercy shot, also in the back of the head.

Schmidt, a member of the noble profession of medicine, paid no attention to the prisoners and even signed phony, false, death certificates, and when the hierarchy therein was not satisfied with the rate of production in the tunnels, they sent in the efficiency expert to find out

why more and more bombs were not produced, in the form of the accused Rickhey, and it was his job to see how long a piece of work should take and how many people should do it; and that is what he did.

The rest played various parts, may it please the court, as labor assignment leaders, as roll call leaders, as camp leaders, and each is individually accused of murder.

During the course of the trial reference will be had from time to time to certain names, to certain men who occupied certain positions. One name which will come out very frequently is Fouershner. He was the first camp commander at Dora and a member of the board of management of the Mittelbau company, of which Rickhey was the general manager.

The name of Baer, who was Foershner's successor, will be mentioned. And Brennels, an administrative leader in Dora. And Forster, a camp leader at Dora. And then there will be Sander, and Bischeff, and Reese. These three men, with Valenta and Buehring operated the bunker and the SD in Dora and subcamps. The name of Sawatski will come up frequently. He was the technical director of Mittelwerke and the man who started the operations in the tunnels and was in charge of the work there until Rickhey arrived.

Reference will be had to Hans Ritz, camp leader at Ellrich; to Willi Steimel, a former trustee; to a man by the name of Matheius, who was the camp leader at Harzungen and the immediate superior of Fuchsloch.

I do not doubt, may it please the court, there will be others that will come in from time to time and of course the company transports that wound up all these concentration camps.

I hand the reporter a document, being a map, and ask that it be marked Prosecution Exhibit 20 for identification. It consists of two sheets.

(The documents referred to were marked Prosecution Exhibit 20 for identification.)

PROSECUTION: The accused offers in evidence the diagram drawn by the accused Rickey, which has been marked Prosecution Exhibit 20 for identification. It is not drawn to scale, it is intended to show pictorially the position of Dora and the subcamps in the Mara mountains as it is there and I have showed the original to the defense, and I now ask that that be received into evidence as Prosecution Exhibit 20.

DEFENSE COUNSEL: There are two matters in connection with this that I should like to call to the court's attention. It was my impression that P-20 was the amended charge sheet which was admitted into evidence and is now marked as an exhibit; is that it?

PROSECUTION: It was just made a part of the record.

DEFENSE COUNSEL: Then I will withdraw that part of the objection. The other statement I would like to make to the court is that it is my understanding that this is not a scale map in any way nor that it will represent accurate distances between one point and another, but is merely for the information of the court and the prosecution and the defense in clarifying the testimony of witnesses as to location; and that if, at any time, any question of location or distance becomes material to a point at issue, the defense will reserve the right to object to the distance or location at that time.

PROSECUTION: The prosecution subscribes to the last statement made by the defense.

DEFENSE: Subject, then, to that understanding, the defense has no objection to admitting this as Exhibit No. 20.

PROSECUTION: I ask it be so received.

PRESIDENT: Prosecution Exhibit No. 20 will be admitted to the record for such probative value as the court may see fit to give it.

(The document heretofore marked Prosecution Exhibit 20 for identification was received in evidence as Prosecution Exhibit No. 20, is attached hereto, and made a part of the record.)

PROSECUTION: Prosecution asks that this document, an enlargement of its Exhibit 20, be marked, also with the statement that it is not intended to be accurate with respect to distances or even completely accurate with respect to relative positions. We are offering it for such information and assistance as it may be worth.

(The document referred to was marked Prosecution Exhibit No. 20-A for identification.)

PROSECUTION: We ask that Exhibit 20-A be received into evidence, and ask permission to withdraw it at the end of the case, may it please the court.

PRESIDENT: Prosecution Exhibit 20-A is admitted to the record for such probative value as the court may see fit to give it, and permission is given to withdraw it at the conclusion of this case.

(The document heretofore marked Prosecution Exhibit 20-A for identification was received in evidence as Prosecution Exhibit No. 20-A, is attached hereto, and made a part of the record.)

PROSECUTION: Prosecution now offers in evidence a sketch marked for identification, Exhibit 21.

(A document was marked Prosecution Exhibit No. 21 for identification, and an enlargement marked Exhibit No. 21-A.)

PROSECUTION: Prosecution now offers in evidence a sketch marked for identification Exhibit 21-A, which is an enlargement of the area marked "A" on its Exhibit P-21, this area here (indicating) that was drawn up by the accused Richhey. It is not intended to indicate exact geographical distances, but relative positions.

DEFENSE COUNSEL: Subject to the same reservations which the defense made for Exhibits P-20 and P-20-A, the defense has no other objection to the admissibility of Prosecution Exhibit No. 21.

PRESIDENT: Prosecution Exhibits 21 and 21-A will be admitted into the record for such probative value as the court may see fit to give them.

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(The documents heretofore marked Prosecution Exhibits Nos. 21 and 21-A for identification, were received in evidence as Prosecution Exhibits Nos. 21 and 21-A, are attached hereto and made a part of the record.)

PROSECUTION: Permission is requested, may it please the court, to withdraw Exhibit P-21A at the end of the trial.

PRESIDENT: Permission is given to withdraw Prosecution Exhibit No. 21-A at the conclusion of the trial.

PROSECUTION: The prosecution now offers as its exhibit No. 22 a sketch of Dora itself, showing the main buildings, likewise being offered not as being an exactly accurate sketch, but as an indication of the placing of the buildings.

(The document referred to was marked Prosecution Exhibit No. 22 for identification.)

PROSECUTION: Prosecution offers its exhibit No. 22 in evidence.

DEFENSE COUNSEL: Subject to the same reservations which the defense has interposed for Exhibits Nos. 20, and 21, with the enlargements thereof, the defense has no other objection to the introduction of Prosecution's Exhibit P-22.

PROSECUTION: Permission is requested to withdraw Exhibit 22 at the end of the trial.

PRESIDENT: Prosecution Exhibit No. 22 will be admitted to the record for such probative value as the court may see fit to give it, and permission is given to withdraw it at the conclusion of the trial.

(The document heretofore marked Prosecution Exhibit No. 22 for identification was received in evidence as Prosecution Exhibit No. 22, is attached hereto, and made a part of the record.)

PROSECUTION: The prosecution now offers as its exhibit No. 23 a sketch showing the tunnels and some of the connecting tunnels on the area where the first prisoners were housed. It is not offered as

being exactly correct as to numbering, but it is supposed to be correct in general design and in the plan.

(A document was marked Prosecution Exhibit No. 23 for identification.)

PROSECUTION: Prosecution offers its exhibit No. 23 in evidence; we do not request permission to withdraw this one.

DEFENSE COUNSEL: Subject to the same reservation as those matters of distance and location, which the defense has interposed for the Prosecution Exhibits No. 21, 21-A, 21, 21-A, and 22, the defense has no further objection to the introduction of Prosecution's Exhibit No. 23.

PRESIDENT: Prosecution Exhibit No. 23 will be admitted into the record for such probative value as the court may see fit to give it.

(The document heretofore marked Prosecution Exhibit No. 23 for identification was received in evidence as Prosecution Exhibit No. 23, is attached hereto and made a part of the record.)

PRESIDENT: The court will recess until 1330 hours.

(Whereupon the court recessed at 1150 hours.)

AFTERNOON SESSION

(Whereupon the court reconvened at 1330 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: May the record indicate that all members of the court, all personnel of the prosecution and defense are present; all the accused are present; the reporter and interpreter are both present.

The prosecution calls as its first witness Cecil Jay.

CECIL JAY, called as a witness by the prosecution, being first duly sworn, testified as follows:

(Whereupon the proceedings were translated into the German language.)

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q Will you state your full name and present address?

A Jay, spelled J-A-Y, Cecil Francis Alfred.

Q And your present address, Mr. Jay?

A Springe, near Hannover, Germany.

Q And what is your occupation?

A Driver, interpreter, Military Government.

Q What is your age, please?

A 41.

Q Mr. Jay, were you at any time a prisoner in a concentration camp?

A Yes, sir.

Q Were you at any time a prisoner in the concentration camp called Dora?

A Yes, sir.

PROSECUTION: May I explain to the witness: Wait until the question is translated and then give your answer, please.

Q When did you come to Dora?

A August 1943.

Q And from where?

A From Buchenwald.

Q Would you describe to the court just what Dora consisted of when you first came there?

A We left Buchenwald in lorries - 350 prisoners -- and we arrived at Nordhausen, went past Nordhausen into the fields. As we came into the fields we saw a few small tents made out of ply wood. These tents were in front of the tunnels and then the fields and woods. As we arrived we were put in the tents straight away and after the first night we were taken in the tunnels.

Q Let me stop you right there. I forgot to ask you your nationality.

A Englishman.

Q Were you with the first contingent of prisoners which came to Dora or were there any there upon your arrival?

A As I arrived at Dora there were about approximately 100 men as an advance party there already.

Q Now, upon your arrival were you put to work?

A As I arrived the capo which -- he belonged to Buchenwald -- came along with me gave me a job, as I am a joiner, to make beds for the sick people in the camp.

Q And that was in the open field at the time, is that right?

A Yes, sir.

Q What was your next job, after you had built that place for the sick? What was your next job?

A I was taken by the capo of the joiner shops to the tunnels and shown four tunnels which were blasted out of one big, large tunnel. Here I should first build floor boards and also beds for as many as possible.

Q Were you shown the four tunnels?

A Yes, sir.

Q And how did you know how many beds to make?

A This I could not tell until such time as floor boards were laid and the beds were measured out so we could tell approximately how many

beds we could put in the tunnel.

Q And did you proceed to build these beds?

A Then came Jacobi to Dora, and he was the person to order wood and material for this work that we carried out.

Q Who is this Jacobi?

A He was a Master Sergeant, SS.

Q Would you know Jacobi if you saw him again?

A I certainly would, sir.

Q Will you look around the room and see if you can identify him?

A Yes, Number 9.

PROSECUTION: Let the record indicate the witness has identified the accused Jacobi as wearing placard number 9.

Q All right, continue from that point and tell the court what you did about building these beds.

A At first I was given a detail of 15 men. These 15 men consisted of 8 nations.

Q What were the nationalities?

A French, Yugoslavs, Dutch, Belgian, one German, myself, and Czechs.

Q Go ahead.

A The 15 were made up of 2 or 3 Czechs, 2 or 3 Frenchmen --- The 15 were anyway complete, sir.

Q Then you had your detail, Mr. Jay. What did you do?

A I had my detail. I went to Master Sergeant Jacobi, and we arranged about material being straight away sent from outside, from the firm called [illegible].

Q Let's skip the details whereby you got the material to build these beds. Did you get the material and did you complete the beds?

A We built those floor boards and built the beds in four tunnels in 10 weeks. These tunnels consisted of enough beds, single beds for each person, 1024 in each tunnel.

Q Describe the circumstances and conditions under which these beds were constructed.

A As we arrived in the tunnels there was very little light, perhaps one electric bulb every hundred meters, every hundred yards or perhaps more; the blasting were being carried out by a firm, a civilian firm, in the tunnels in several places near the place where we were building these beds; we couldn't see for the dust; our throats were dry. There was also no water in these tunnels at no time at all when they were being built. And then I wish to impress the court, we were in these tunnels from mornings early until evenings late building these beds, but we knew it had to be finished because prisoners were lying on the floor everywhere, on the stone floor in these tunnels.

Q Now, just a second there. What do you mean -- or, elaborate a little bit more on your statement the prisoners were lying on the stone floor in the tunnels?

A As we came in there were a few tents; as I have already said, there was not sufficient room outside for all those prisoners that arrived. There was not enough room for all in the tents; therefore, what they called the prominent people such as people from the offices, doctors, a few of the canteen people, they remained in the tents until such times as the cold weather, and they came into the tunnel after all.

Q And the people who were not prominent, as you described them, where did they sleep?

A After roll call every day the prisoners were sent to the tunnels. There they slept, that was for themselves to sleep -- there, there or there.

Q What did the bedding consist of?

A Rocks, sir.

Q Now, Mr. Jay, was a plan of a sleeping quarters which you built prepared at your direction?

A Yes, sir.

Q Mr. Jay, will you come up and take a look at this Prosecution's Exhibit No. 23. Have you seen that before?

A Yes.

Q Is that the plan that was drawn according to your instructions and directions to show the sleeping quarters?

A Yes, sir.

Q Now, let's begin up in here. What is this open space here, caption "B tunnel"?

A This B tunnel was built a very long time ago, before the war started, and this went through from Dora through to a place called Niedersachswerfen.

Q In other words, that thing penetrated the complete mountain, did it not?

A Yes.

Q Do you know the name of the mountain through which it was built?

A I couldn't say.

Q I draw your attention over here to Prosecution's Exhibit 21-A. Can you point out on that exhibit the B tunnel which shows in the exhibit we were just talking about?

A Yes.

Q Point it out.

A B tunnel is here, sir.

PROSECUTION: Let the record show that the witness is pointing to a line designating B tunnel on Prosecution's Exhibit 21-A.

Q And that tunnel, you say, was open at both ends?

A Yes.

Q Now, coming down to this portion of the exhibit which is marked "A tunnel." Describe that to the court.

A This tunnel was not completed at the time of our arrival.

Q But does the sketch, Prosecution's Exhibit 23, indicate the approximate position of A tunnel as you came in?

A Exactly, sir.

Q Now, B tunnel was open at both ends. How about A tunnel?

A Both ends shut, sir.

Q By that you mean that excavation remained to be done at either end to open it up?

A Yes, sir.

Q Now, will you refer back to Prosecution's Exhibit 21-A and point out on that exhibit just where A tunnel is?

A Right here.

PROSECUTION: Let the record indicate that the witness pointed out a line indicating A tunnel on Prosecution's Exhibit P-21-A.

Q Now, Mr. Jay, point out on the Prosecution's Exhibit P-23 where you built these bunks.

A First beds were built in tunnel number 4. This took us about 8 or 10 days.

PROSECUTION: Let the record indicate the witness is exhibiting the tunnel marked "B-4."

A (continued) The second one was done in B-3; then B-2; and then B-1.

Q Now explain this section here to the court which is between 2 and 1.

A When these tunnels were completed and finished, by the wall, which is in the front here which was built later we had a job given us to build out this tunnel here.

PROSECUTION: Let the record indicate the witness is pointing to a tunnel between B-1 and B-2 on Prosecution's Exhibit P-23.

A (continued) The reason being for this was during the evenings it was dangerous, you know, to keep prisoners outside of darkness, the SS being

afraid that the prisoners would escape. They were very short of guards. Therefore, all prisoners that were sick, the office people, and what they called the prominent people, they put in this tunnel here. And it didn't matter if a person was almost dead, had a very high temperature, he was dragged along this tunnel here (indicating) and put in the tunnel here on the side here (indicating.)

Q For how many people, or, to bunk how many people were these tunnels designed for?

A I was told to fill the tunnel with beds, and we built 1024 beds in each one.

Q How many people actually were put in each one?

A I must explain, when I was first -- was building this one, B-4 (indicating), a high SS came -- Foerschner -- with Jacobi and several other SS people -- to the tunnel, and they said to me, "How long will it take to finish this tunnel?" I explained it was rather hard to say at first because it was the first tunnel; I never did in my life such a thing as this. He told me the first people from Buchenwald were on the way.

Q How many actually slept there?

A At first when the four blocks were finished everybody had their own bed, but after a few weeks these blocks were not made into one block; they were made into two blocks in each tunnel.

Q What do you mean by that?

A Well, a block was called -- you would say you had 2000 men in one block and a block eldest in one block, and at Block 2 and Block 3, 4 and so forth -- 7 and 8.

Q Now, let's get this in my mind here. You had a block designed for 1024 men?

A Yes, sir.

Q And you say later on as more prisoners came this block was

divided into two blocks?

A Yes, sir.

Q How many men were put in each of the two blocks that were made out of one block?

A About 2000 to 2500 men.

Q What would then be the total of men who were compelled to sleep in a block originally completed for 1024?

A About 2500.

Q Well, now, explain to the court the manner or the direction the prisoners would take when they came in from the outside--how would they get to their sleeping places?

A Here would be the roll call square (indicating). They came through here (indicating), the green line, and followed through this way (indicating) and down here (indicating) was a tunnel that was deeper than the main way. They went down along the dock or along here (indicating), and along here (indicating) to our block.

PROSECUTION: Let the record indicate that the witness shows on the chart that the prisoners entered "B" tunnel from the south entrance, followed along "b" tunnel to a point marked "exit", north, then turned down in an easterly direction until they came to "A" tunnel, and then right and stopped at their respective quarters.

Q Mr. Jay, explain to the court what these shaded areas are.

A Solid rocks.

Q Point out to the court at the time we are talking about how air came into these sleeping quarters--from which direction?

A There was only one way that air could come in, that was here (indicating), around here (indicating), around here (indicating), and around here into the blocks (indicating).

PROSECUTION: Let the record indicate that the witness indicates the passage of air to be identical with the course followed by the prisoners entering the tunnel from the outside.

Q Let's limit our discussion for the time being to the tunnel, "B3" and "B4". On three sides, what was all this?

A Rocks.

Q Now, during the time when the prisoners were living in these places, was there any tunnelling going on?

A To a very great extent.

Q Will you indicate to the court what these arrows in red on the four places on tunnel "A" are supposed to indicate?

A Blastings taking place.

Q During what hours of the day did this blasting take place?

A Day and night.

Q Now, out of the four places indicated by the red arrows, did blasting take place in all four of them at the same time or all at different times?

A They were all working together.

Q Now, I call your attention to these circular shaded places, pointing to the map at about this place, what do they mean?

A Latrine buckets cut out of petrol drums about this high (indicating).

Q Now, will you point out anything on the map which indicates the lighting system?

A The light shown on this map was done when the blocks were completed, but when we arrived at first to build these buildings we had about one light in each tunnel. We worked with carbide lamps.

Q Describe for the record how the lighting system as indicated on that map was used for sleeping quarters.

A These rings here with points on them were the lights.

Q You mean these star-shaped things?

A Yes.

Q About how many lights were there in the block?

A Five.

Q How long was the block?

A 120 meters.

Q How wide was each block?

A The floor boards were 11 meters 50.

Q Do you mean by that they were 11 and a half meters wide?

A Yes.

Q Now, later on when the bunks were divided into blocks, did each man have his own bed?

A There was for every bed two or three in one bed. It didn't matter to anybody, they just slept together to keep warm.

Q How many blankets did each man have?

A One bed each blanket.

Q Was there ever a time when more than one man slept in the beds?

A Yes, I have slept myself with two men in one bed.

Q Did you yourself sleep in these tunnels?

A Yes.

Q How long?

A During the whole time the tunnels were there.

Q Name the dates, from when to when.

A I slept in the tunnels from the first week of September—

Q What year?

A 1943—until December, the day before Christmas '43.

Q Now, Mr. Jay, you have indicated the sleeping quarters, and you have indicated the light and the latrines—point out to the court how the water supply is indicated.

A For the prisoners there were no supplies.

Q Irrespective of the use, what water was there in the tunnel—point it out on the sketch?

A Here was the water tap—it was down here (indicating). This was closed. This end was forbidden to be used because it was poisonous.

PROSECUTION: Wait a second. Let the record indicate that the witness is pointing out a water tunnel which apparently comes from the north side of tunnel "I" and down through the part that is marked, "Look boards", Tunnel "A", and towards the north end of Tunnel "A".

Q What was the poisoning?

A Well, I assume this water was taken from the rock, from here (indicating). We didn't know how it was, but this water was forbidden for the prisoners to drink it, but when the prisoners drank it, they got sick and got a very bad dysentery, and died later on.

Q Now, outside that poison pipeline of water, what other pipelines were there?

A No more pipes.

Q What did the prisoners use for water to drink?

A They never got any.

Q What did they use to wash with?

A They didn't wash.

Q Now, you went into those tunnels in September '43, when was the first time you had a bath after that?

A December 1943.

Q Now, Mr. Jay, you spoke before something about doors--there is a heavy line across the end of each of these four tunnels. What does that indicate?

A After these tunnels were completed I was ordered by Master Sergeant Jacobi to build walls here in front made of a block of wood--of wood.

Q What portion of the entrance was covered by that wall?

A At first I covered the whole front of the tunnel up around; I covered everything, and I was told by Jacobi to make a small hole in the top to let the air come through.

Q What was the diameter of that hole that you cut in there later on?

A About two meters by two meters.

Q Now, can you tell whether or not those holes that were cut in the wall remained open?

A Because of blastings which took place day and night, these walls stood about three days, and I was told to repair them again because I was told they had been blown down by blastings here and here (indicating).

Q My question was, the holes that you cut in these walls for air, did they remain open?

A For a little while, then we closed them because we tried to stop the dirt and dust coming from here and here (indicating) in the blocks.

Q Now, once those holes in the doors were closed in, what source of air was there in these sleeping blocks?

A One can't say air at all, Sir, it was just dirt, and it was brought in by the prisoners by their own bodies.

Q Now, these prisoners who slept in these four blocks, where did they work?

A Some prisoners worked in the tunnels. Most prisoners worked in the tunnels, and other prisoners worked on work details outside in the camp preparing for the building of barracks.

Q Now, the prisoners who worked in the tunnels, they slept there as well as worked there. Where did they eat?

A Every day after working orders were finished, we had to march out of the tunnels to the roll call square. The roll call square was about here (indicating), and then after roll call we took our--every prisoner had to walk back to his block, and before we returned to these blocks, the block eldest said, "So many prisoners remain here and carry the food back to the blocks to the prisoners who are not here".

Q Well, my question is, did they eat inside the tunnels or outside the tunnels??

A Inside the tunnels.

Q So, we have the prisoners eating in the tunnels, sleeping in the tunnels, and working in the tunnels. If at any time during the entire day

a prisoner had a need to relieve himself, where would he have to do that?

A Here in these buckets (indicating).

Q Were they ever allowed to do that while outside at roll call?

A To walk into the tunnels?

Q Yes, during roll call?

A He would do it in his trousers.

Q Was he permitted to leave the ranks during roll call for that purpose?

A No.

Q How many times during the course of the week were the prisoners who worked in the tunnel and slept in the tunnel and ate in the tunnel allowed to leave the tunnel for any reason whatsoever?

A The only persons who left the tunnels during working hours were the capos or people who wanted to know anything from the office or fetch materials, otherwise, every prisoner that worked in the tunnel had to remain on his working place.

Q Who were the capos--what is a capo?

A In Dora when we arrived we had so-called "BV", that is, professional criminals. They were transferred from these criminal prisons to these camps to take over these details because they were foreigners and no one could understand a foreigner.

Q What were the duties of a capo?

A The capo would be given a work detail.

Q Now, I am talking about prisoners such as yourself, not Germans, but the English and Belgians, and French that you are talking about who worked in the tunnels and slept in the tunnels. How often were they allowed to leave the tunnels for any reason whatsoever?

A They only came out to roll call.

Q How often would that take place?

A In the first few weeks every evening. After this we had a general roll call every Sunday, therefore, the prisoners remained in the tunnel the

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whole week until Sunday.

Q Coming down to this period after the first three weeks, as I understand you, the people who worked and ate and slept in the tunnels got to see the outside light once a week?

A Yes.

Q And that purpose was for roll call?

A Yes.

Q How long would that roll call take?

A That all depended, Sir.

Q Well, on the average, how long did it take?

A Sometimes two, sometimes three, prisoners missing, it would take five or six hours.

Q Now, Mr. Jay, I call your attention to this circular figure between tunnels "B2" and "B3" marked, can you explain that to the court--what does that indicate?

A These indicate the beds as they stood in the tunnels, four high--1, 2, 3, 4 (indicating). This was double beds--eight beds really. This was sixteen beds (indicating). This was another 16 beds (indicating). So, a total of 64 beds here (indicating). Every time 64 beds. If you count these you can see that there are 1,024 beds in each bunk.

Q How much space was there between one tier and the tier on top of it?

A 60 centimeters.

Q Was it possible for a man to sit up in his bed?

A No.

Q How much distance was there between the aisles?

A Roughly one meter.

Q Now, coming back to that circular area--what is intended to be designated by these figures underneath the bunks?

A These poles are the sections for the foot boards.

Q You mean that was the support for the foot boards?

A Yes. Well, these tunnels were run in the rock, and, therefore, to get as many beds in as possible up to a height of three meters--as to get the three meters as ordered by Master Sergeant Jacobi.

Q So, what would be the depth underneath the bunks to the bottom of the tunnel itself?

A From the top edge of the foot boards roughly three meters.

Q Now, Mr. Jay, were you present when these bunks were taken down?

A Yes.

Q Will you tell the court what you saw in this area underneath the bunks?

A I didn't work on it myself, but I was there present myself at the time that they were ripped out--as this was taken out, removed from these tunnels. There was water here (indicating) of a depth of perhaps of three-quarters of a meter. In this water was found bodies--dead bodies. How they got to the foot board--pulled through the side somehow or something--and drowned.

Q Now, this condition of water and bodies as you have described--what portion of these four tunnels was that condition found in?

A Water was found in every tunnel because these rocks sweated as usual, and all the water, and all the atmosphere from the people that were living there, their breath, made moisture, and this all came to the bottom of these rocks and remained there.

Q And which portion of that, however, were bodies found in?

A Which tunnels, you mean?

Q Yes.

A What I saw were in this tunnel here, Sir?

Q What part of it?

A Tunnel "E2". Any the whole tunnel was full of water, it went through.

Q How far were the bodies that you are talking about?

A What I saw was found here in the front, Sir, because in this tunnel by measurements I come to know it came up high enough here so I had to make a few steps here (indicating).

Q Now, going back to the time when these beds were built, who from the personnel of the camp supervised you in your work?

A Master Sergeant Jacobi.

Q Tell the court the circumstances under which you and your detail worked under the supervision of Jacobi.

A We worked in the tunnels all day long from morning until evening. We were driven by Jacobi to work as fast as possible. We had little food, no water in the tunnels, and very, very bad air. All we were getting in was dust and dirt caused by the blastings in the tunnels. I approached Jacobi many times and asked him if it was possible to get more food for us for this hard work. He said it was impossible.

[illegible]

pld-7-1

Q What kind of clothing did you have?

A We left Buchenwald with one suit of clothes--pair of trousers, jacket, shirt and a hat and a pair of boots and socks. This we had until January, 1946.

Q What was the next work detail after that?

A I carried on in the same work detail, but a different job. I was ordered by Jacobi as soon as the tunnels were finished to start building the barracks now in the open.

Q Did you come in contact with any other of the personnel of the camp besides Jacobi?

A Master Sergeant Bramy, Master Sergeant Koenig and one Master Sergeant Mueller who is not accused today.

Q Would you know Bramy if you saw him again?

A Certainly.

Q Will you look around the courtroom and point him out to the court if you see him?

A Number two.

PROSECUTION: Let the record indicate that the witness identified the accused Bramy wearing the placard number two.

Q Would you know Koenig if you saw him again?

A Certainly.

Q Look around the courtroom and see if you can recognize him.

A Number 11.

PROSECUTION: Let the record indicate that the witness identified the accused Koenig wearing placard number 11.

Q What business did youhave with Koenig?

A I remember once we were, I was in the work shops and I was told by Jacobi to take with me wire, hammer and nails and to report to the main gate. Here I was given a guard and marched to the railway station. Here (Jay-direct)

I met Koenig and another Hauptscharfuehrer. I don't know his name. Sorry. The orders were--there were about 20 trucks had to be wired up, borded up, every hole to be shut up, just the doors to be left open. After we had done this work we came back to the camp which was before midday and after dinner about three o'clock--this was on a Sunday--I was told to remain here. I was again called to the main gate with the same material. Then we marched to the station again and after about one and a half hours a transport arrived from Dora to the station.

I remember that this transport was put together about 7 days beforehand and were sleeping in the washhouse. These were all invalids--bandages--legs bound, arms bound up, some half armed, some no arms and bandages everywhere--all arms and legs.

Q These people that you saw, where did they come from?

A These persons were sorted from all the blocks unfit for work.

Q From which camps?

A Dora.

Q Continue with the story.

A This transport arrived 80, then a space of about 200 meters, then 80 and 80 at the station until all thousand were there. We were ordered to load 80 persons in every truck. This was ordered by Koenig and another Master Sergeant whose name I don't know. As we saw these prisoners were very bad--looked very bad, very weak, very little clothes, no shoes, some were dutch wooden shoes, what we called hollander--we were told to load them in the trucks. We did our best with the first truck to try and put them in very lightly so as not to hurt them at all.

I have forgotten to tell you. I was with three prisoners together. We were four all together. One Russian and one Frenchman one Belgian and I was English.

As we loaded the first truck this was taking too long for these

Si pe ple, therefore we were ordered to throw them in the trucks.

Q By them?

A By these two SS people who were standing next to me, Koenig and this one but I don't know. We, standing at the point of a pistol, had to obey orders. This was carried out until the number arrived at 950 or 960.

Q Were you given any instructions as to how to handle these bodies?

A We were shown how to do it. Two men at the bottom, two men at the top, two on the hands and two on the feet and just throw them right like sacks of coal.

Q By whom were youer instructed?

A By the same two SS people, Koenig and the other Master Sergeant.

As we arrived at 960--the total had to be a thousand--there was a truck sent to Dora Hospital with one of these men. I couldn't say which one went. The time was getting very short as the train was to leave at a quarter to six that evening.

This lorry arrived 20 minutes later. We were ordered to unload this lorry.

Q By whom?

A By Koenig and this other Master Sergeant that came down again.

When we got to this truck we got such a shock. We found dead bodies laying with no clothes on them, some persons almost dead, no clothes. They were fetched from the hospital out of their beds and as I heard later as they came in the camp they fetched some of these bodies from the crematorium itself. But the number had to be one thousand. After this was completed---

Q What happened to the bodies that came up in the lorry?

A They had to load them in the trucks, in the railway trucks so as the number one thousand was complete when it left Dora.

Q After you loaded them on the railroad cars, what happened then?

A I must say one thing. During the time that this lorry was away fetching more bodies I got a chance--I wanted to go somewhere--I went behind the truck--I had the chance to talk to the train driver. Risking my life I asked him if he knew what his destination was.

He said to me, "I don't know."

I don't know what--whether it was in English or in German. I said to him in German probably Himmelfahrtcommando. He gave me no answer.

I went back to the trucks again. After they were loaded I must admit there was no SS guards present at this transport, not one SS guard. We closed the doors, we wired them up. We boarded them up under orders of these two SS people.

Q By orders of whom?

A Koenig and this other Hauptscharfuehrer. I don't know his name. Master Sergeant. And then as we were finished we heard the cries of all these prisoners because they had no air. As far as I saw they had no food with them, no blankets and no water. Nobody has ever heard of where this transport went to.

In my opinion that was just a matter of liquidation.

DEFENSE COUNSEL: I object to----

PROSECUTION: I agree. Strike the reference to his opinion.

Q Did you ever have any other contact with Koenig?

A Koenig was roll call leader at the time.

Q What are the duties of a roll call leader?

A Roll call leader's job is he stands on the roll call square and waits for the block leaders to count their blocks, report to him and he counts the whole body together.

Q Did anything ever take place during these roll calls?

A The first thing I saw in Lora on the roll call was during the time Jacobi, Koenig and Mueller this roll called. These are the only SS officers in the camp at the time.

Q Well you stood a good many roll calls. Tell the court what took place at these roll calls.

A That is just what I am going to explain to you, sir. There was a Russian reported from a certain capo to Jacobi and Mueller that he had done something wrong. What, I don't know. He was called out by his number,

called in front of the roll call. He must bend down and Jacobi and Mueller got hold of a board the width of about 20 centimeters about two and a half centimeters thick and they beat this prisoner on his backside until he was laying there, not with the flat side, but with the edge of the board. This prisoner laid there until roll call was finished.

We were dismissed in the tunnels.

Q Let us stick to the roll call place a while Mr. Jay. Was this beating that you are talking about, administered by Jacobi, the only such incident that you saw at the roll call place?

A This happened pretty near every day, not only by Jacobi, but by all the SS who were there sir, in roll call. Anybody was reported who had done something during the day. They would get their punishment evenings.

Q Who, outside Jacobi did the beatings?

A Well we could say Jacobi, Mueller, Braumy, Koenig. The main SS who were there sir.

Q What was Braumy's participation in this sort of thing?

A Braumy was also roll call leader later. His job was also to take reports, see the prisoners were punished plus punish many himself. That was the job of the roll call leader.

Q You say Braumy and Koenig were both roll call leaders?

A Yes. First Koenig and then Braumy.

Q Who ordered and administered these punishments in the roll call place?

A During the first times in Dora we only had a very few SS leaders.

Q Mr. Jay, please skip that. Please mention the names will you? Who did it?

A First was Jacobi, Koenig, Braumy and this Mueller.

Q Now you were in Dora about a year altogether weren't you?

A Yes.

Q Tell then, discussing your experience at the roll call place you can describe anything you saw happen there during your entire year?

A It was usually evening on the parade grounds the prisoners were beaten for punishments.

Q Let us go back a bit. When did the beatings begin to take place at the roll call square?

A As soon as we got there, sir.

Q Continue.

A As the tunnels were finished we were working in camp. The camp was finished and we were living in the barracks up top. Also a full strength of SS. We were ordered one Sunday to all report on the roll call ground. As we were on the parade ground we were ordered to stand on the right side of the parade ground and on the left side all the SS were standing inside the compound with rifles and everything--SS. In the middle was a gallows which I built myself in the workshops. This gallows was placed in the middle of the roll call square and after we stood about a half hour.

Q How did you have to stand?

A All in one heap towards the wire fence on the right hand side. The whole camp, sir, stood in one heap.

Q What formation?

A We were just pushed together, sir, like sheep, sir, in one heap there.

Q Normally what kind of formation would you stand during roll call?

A Each block for itself, 10 in a row.

Q Did you stand like sheep pushed together?

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A During the roll all, no, sir.

Q How did you stand, that is what I am trying to find out?

A Every block was lined up. Every man knew his block. We had a block eldest. We had a room orderlyand he had his block leader and then as we came we went to our blocks first. We marched to our blocks in tens to the roll call square in a certain formation and then we stood one, two, three and so on.

Q Did it ever happen that some man didn't keep formation or step with the rest of them?

A If the block leader was present he soon got pushed in his way or knocked in his way, sir.

Q What do you mean by that?

A As usual the block leaders carried a big stick sir.

Q What would he do with that stick?

A Only one thing he could do was beat us sir.

Q Now during the times you were standing in the roll call place you said for one two, three and four hours, were you allowed to move around in the ranks?

A No, sir.

Q Well, how did you have to stand?

A Stand still at attention.

Q All right. You were lined up there like sheep on one side with the SS on the other. What happened then?

A This gallows was standing in the middle. There were four prisoners brought out of their bunker which was near the SS place, sir, handcuffed. In the mouth was a stick tied around the back of his head and over the top of his ears tied tight.

Q Why was that stick put in his mouth?

A I assume he shouldn't shout sir.

(day-direct)

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Q All right. "hat happened to these four?

A They were brought to the gallows. There were standing two chairs. Two man gallows--two men were standing on these chairs, these little stools and then the camp eldest Ludwig Schimischek was ordered to hang these people.

Q By whom?

A From there was Moeser, Brinkmann, Jacobi, Koenig. All the SS were there. The main one was Moeser and several other people, sir. Moeser was the one who gave the order.

Q Gi e me their names?

A Moeser, Brinkmann, Jacobi, Braumy. I couldn't recognise everybody. They were all there.

Q Who gave the order to this man to do the hanging?

A We didn't hear that because we were too far away, sir.

Q Did you subsequently hear who gave the order?

A Moeser.

Q Where did you hear that from?

A General talk, sir, in camp.

Q What happened to these four men?

A This man Schimischek was political. He refused to hang these men. His lager eldester arm band was stripped from his arm--each arm.

Q By whom?

A By the SS, sir.

Q Who? Who?

A I couldn't say for sure.

Q All right, continue.

A He was taken in arm by two SS men andtaken to the bunker. When we were asked for volunteers and the volunteer was Willi Zwiener.

Q Would you know Willi Zwiener if you saw him again?

A Yes.

(day-direct)

Q Will you look around the courtroom and see if he is in the courtroom and if so point him out to the court?

A Number 19.

PROSECUTION: Let the record show that the witness has recognized the accused Zwiener wearing placard number 19.

Q Now you say that they asked for volunteers and that Zwiener volunteered. Can you tell the court if any words were said or just exactly how did he volunteer?

A We couldn't hear too much what was said.

Q What did you hear Mr. Jay? What did you hear?

A Zwiener was there standing near there and he was asked if he would hang them?

Q Who asked him?

A That we couldn't say, sir.

Q What did he answer?

A Yes.

Q What did he do?

A He went to the gallows, put these two men on their stools, placed the rope around his neck and pushed the stools away.

Q How did he push the stools away?

A With his feet.

Q How much of a drop would that stool make?

A Height of an ordinary stool, sir, we have in the barracks.

Q Estimate, Mr. Jay, in dimensions?

A 45 centimeters sir.

Q That hanged two of them, how about the other two?

A I would explain about the first hanging, sir. He wasn't fixed right with the rope on the side of his head. The left hand side prisoner that was hanged struggled with his body as much as he could and tried to get off of

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rope. He was strangled not hung. Therefore they had to wait a long time until this man was dead--still hanging on the ropes. Then they were cut down or taken down from the ropes. The others took their place on the stools and the same procedure was carried out.

Q Did the next two die?

A Yes.

Q How long did it take them to die?

A Each two hung about a quarter of an hour.

Q Do you know whether they died from a broken neck or from strangulation.

A I know for certain one of the first two died of strangulation. The other one died of a broken neck, sir.

Q How about the second two?

A They dropped better, sir. These were two Poles and two Russians.

PROSECUTION: This might be a good place for a break, if it please the court.

PRESIDENT: The court will recess for 15 minutes.

(Whereupon the court recessed at 1500 hours.)

(Thereupon the court reconvened at 1515 hours.)

PRESIDENT: The court will come to order.

[illegible]: Let the record indicate that all the members of the court, all personnel of the prosecution and defense, all the accused, the reporter and interpreter are present.

PRESIDENT: The witness is reminded that he is still under oath.

CECIL JAY, called as a witness for the prosecution, resumed the stand, and being reminded that he was still under oath, continued to testify as follows:

DIRECT EXAMINATION (CONT'D)

QUESTIONS BY PROSECUTION:

Q Now, Mr. Jay, in your testimony before the court you mentioned a man by the name of Brauny and you have identified him. Will you tell the court what experiences you have had with him and what you have seen him do and what you have heard about him?

A Brauny was roll call leader. I saw him several times marching with prisoners together with Wagner and Brinkmann from the bunker up to the little quarry behind the hospital. They marched prisoners to the quarry to be shot. We saw this because we were working on the barracks above this quarry. We had a full view of the camp. This happened very often.

Q Did you have a good view of the quarry?

A Yes, sir.

Q Tell the court what you saw that took place in the quarry.

A We couldn't see what happened as we were driven away before the shooting took place. We only saw them walk to the quarry and heard the shots fired.

Q Who did you see walk to the quarry?

A Mostly I saw Brinkmann, Brauny, and Hoeser.

Q Were these three men armed when you saw them?

A Yes, they were all armed.

Q With what weapons were Hoeser, Brinkmann, and Brauny armed as you saw them march toward the quarry?

A Pistols.

Q Who did they march with?

A Prisoners.

Q Would you see Hoeser, Brinkmann and Brauny enter the quarry?

A Certainly.

Q And the prisoners too?

A They went ahead.

Q How long would they be in the quarry before you would hear these shots?

A Ten minutes.

Q What happened after you heard the shots?

A We returned to our work place again and saw them three marching away, and the detail ordered to carry the corpses away came from the hospital. They were carried to the crematory.

Q Would you see the detail as it came from the hospital to the quarry?

A Yes, sir. Carrying stretchers.

Q Would you see the detail as they left the quarry to return to the crematory?

A Yes, sir.

Q What would you see? What did you see?

A The bodies were so thin they put two bodies on one stretcher, or three, and just carried them off.

Q How do you know that the bodies which came out on the stretcher were the same prisoners who marched to the quarry with Moesser, Brinkmann and Brauny?

A Because before these shootings took place, block leaders would round up the whole district and drive all the other prisoners away.

Q Did this driving away take place prior to the shootings you are talking about?

A Yes, sir.

Q How many shots would be fired?

A It depends on how many prisoners, sir.

Q What was the size of those details of prisoners that went to the quarry?

A That depends how many were reported for sabotage, whether on B-1 or B-2.

Q When did these shootings take place, Mr. Jay?

A During the day, sir.

Q Give the dates as nearly as you can remember.

A I am very sorry, sir, but as a prisoner we never had a calendar. We only knew when Easter, Christmas and perhaps Whitsuntide came. We knew when Sunday came for we had no extras to do. Otherwise I had no calendar and couldn't tell what day it was. It was every day the same.

Q What year was it that you saw these marches to the quarry?

A Spring, 1944, sir.

Q When was it that you left Dora?

A August, 1944.

Q About how long before you left Dora was it that you saw this last march to the quarry?

A The last time I saw it I was building a fence around the whole hospital. That was the last job I done in Dora. And we saw the last marching to those quarries before on transport.

Q Try to fix the month of the last march that you saw.

A In August, sir.

Q Of what year?

A 1944.

Q What was the nationality of the prisoners you saw marching to the quarry?

A That was impossible to say for we were so far away, sir.

Q How do you know it was Boesser, Brinkmann, and Braumy that marched with these people?

A We could recognize them. The prisoners looked the same, all thin, very dirty and very bad.

Q What was the size, as nearly as you can remember, of this last detail that you saw go to the quarry in August of 1944?

A Three men, sir.

Q Can you give the court any idea how many shots were fired on that occasion?

A I am sorry.

Q Could you tell in any way how many weapons were fired?

A No, sir.

Q Could you tell the court if more than one pistol was fired?

A Ordinary pistols, more than one.

Q How many pistols were fired on this last occasion?

A I assume at least two, sir.

DEFENSE COUNSEL: If the court please, I move that that answer be stricken as being non-responsive, a conclusion of the witness and an assumption on his part.

PROSECUTION: I agree. Can you tell if the four shots you heard came one after the other or were they fired at the same time?

THE WITNESS: One after the other, sir.

CROSS EXAMINATION:

Q Did you ever have occasion to go into the quarry after one of these shootings?

A No, sir.

Q How often would you see these marches to the quarry?

A At least twice a week, sir.

Q Now, I think you also mentioned Foeser as having had some experience or contact with him. What do you know personally about him?

A He was Protective Custody Leader, sir.

Q What are the duties of a Protective Custody Camp Leader?

A He makes all the reports that come from the block leaders and all SS people come to him. He is the one that orders punishments and sees that they are carried out.

Q Who was the camp commander during the time these shootings took place?

A Foerschner.

Q Who was the lager commander?

A Foerschner was the commanding officer of the camp and Hacker was Protective Custody Officer.

Q What is the difference between the commander of the camp and the protective custody leader?

A The commandant is in charge of everything, sir.

Q What do you mean by everything?

A Well, the whole camp.

Q Does that mean the prisoners and the SS too?

A Prisoners for certain, sir.

Q How about the SS?

A Couldn't say, sir.

Q What are the duties of the protective custody leader?

A As I have said, took reports from the block leaders, put out punishments and gave orders and we carried them out.

Q Who gave the orders to hang these four prisoners?

A These orders so far as sabotage from B-1 and B-2 came from a tunnel from civilian personnel.

Jay-Direct

Do you mean by that that civilian personnel in the tunnel could give an order to hang a prisoner for sabotage?

A The order was given from the civilians to the SS that the prisoners be punished for sabotage and it was carried out.

Which member of the SS would receive the order that the prisoner be punished and would see that it was carried out?

DEFENSE COUNSEL: If the court please, I have purposefully refrained from interposing useless objections in order not to interrupt the expeditious conduct of this trial. However, I would like the court to instruct the prosecutor at this time to lay a little better foundation for his questions. If this witness is going to testify to administrative command channels as to the relationship between the SS and civilian workers of tunnels it would be necessary to qualify him in some way to show that he is familiar with command channels and duties in the camp, not merely as a worker, as a joiner, building beds in a tunnel.

PROSECUTION: I would like to say, may it please the court, that these people in the camp whose lives were at stake sooner or later found out how these things were done, and if the defense wishes a basis for the knowledge of the statements that question can be developed on cross examination.

THE PRESIDENT: The objection of the defense is overruled. The court would prefer that the defense make specific objections as the points arise rather than making a blanket objection covering a whole field in itself.

QUESTIONS BY PROSECUTION:

Q Mr. Jay, how would you or any other prisoner get to know what Boeser's duties, or Jacobi's duties or Draung's or anybody's duties were? How would you get to find out?

A You would know for certain if a prisoner had been so long in a camp after years what an SS man, what a Tech Sergeant, what a Major, and what a commandant is. We know for certain being in the camp for so long.

Q Mr. Jay, you mentioned a man by the name of Brinkmann. Did I ask you to identify him in open court?

A No, sir.

Q Would you know him if you saw him again?

A Yes.

Q Will you look around the courtroom and see if the man, Brinkmann, the man you are talking about is in the courtroom?

A Number 3.

PROSECUTION: Let the record show that the witness has identified the accused, Brinkmann, wearing placard No. 3.

Q Will you tell what you know about the duties and activities of Brinkmann, what you know and what you have heard?

A I first heard of Brinkmann in 1944 at the beginning of the year, and on several occasions if Brinkmann took the roll call after roll call he would call all block eldests, capos, and foremen to the main gate. He would then give a subject as to what he would carry out with the prisoners in our work detail as regards to driving, beating, if necessary,

and to see that the work was carried out as soon as possible. He expressed to us that we would have to hurry up for V-1's and V-2's; also the camp had to be finished as a barracks for the SS. Therefore he depended on capos, block eldests, and foremen to see that the work was carried out.

DEFENSE COUNSEL: May it please the court, I have been called aside and Captain McCarry will take over please for a moment.

THE WITNESS: Afterwards it was known that Brinkmann called all capos, foremen, and block eldests together for exercise. This exercise was carried out on the roll call square. We were so drilled. I, myself, was present at the time. Once I remember we did five hours on the roll call square, rolling, jumping, hopping, just like a lot of idiots while we were on the roll call square. Several persons who were weak, prisoners who were weak, remained lying there on the roll call square. I crawled to the block myself on all fours, hands and knees. I was so bad that I couldn't undress myself to go to bed that night. This was a pleasure for Brinkmann too.

CAPT. STRADER: I object to that statement made by the witness, that it was a pleasure for Brinkmann to conduct this roll call exercise. It is a conclusion.

CAPT. McGARRY: Prosecution agrees with deletion of that last statement of the witness.

PRESIDENT: The last statement of the witness will be stricken from the record.

PROSECUTION: Mr. Jay, I would like you to look around the court room and tell me, if you can identify anyother of the accused?

A No. 1 and No. 8.

Q What is the name of the man with the placard No. 1?

A Andrae.

Q Do you know Andrae's rank and position at Dora?

A Master sergeant.

Q What was his duty?

Q His job was the post. Prisoners' post.

Q What can you tell me about Andrae in connection with his duties of being charged with the post lager?

A We were allowed, as prisoners, to receive packages from home. These packages were left at the post and Andrae had to see that they were distributed to the prisoners whom they belonged to.

Q What were the usual type articles in these packages?

A The French and Dutch received Red Cross packages from the Red Cross; other prisoners, such as I, myself, received my wife's parcels.

Q What was the usual contents, the type articles that were in these packages that the prisoners received?

A The Red Cross packages were just biscuits, cheese, tins of meat, cigarettes, chocolates, several small articles fixed up by the International Red Cross and my parcels were from home, bread, tins of sausage, cigarettes, tobacco.

Q What happened to these packages after they reached the post office at Dora?

A I had to work at the post office myself, one day, building recesses on the wall so that the packages could be put on the walls. I have seen other Red Cross packages opened in front of the eyes of Andrae. Part of it was taken out and placed on the side. They were not allowed to have aspirins, they were supposed to be poison against the prisoners. No tins were allowed to be given out, afraid of ammunition and explosives being in them and they were taken out and they were kept so long in this position that such a heap came there, when the prisoners received their packages they were only mildewed bread inside.

Q What happened to the articles that were taken out of the Red Cross and other parcels?

A I only know that now and again small sacks of articles were taken to the prisoners' office for distribution by the prisoners that received no packages.

Q Whom else were these articles distributed among?

A They received in the prisoners' office a sack full of perhaps mildewed bread or anything that was mildewed, not fit to be used at all. Where the rest went to we didn't know. It was absolutely put on the sides.

Q Do you know if there were medicines in these packages?

A Yes, sir.

Do you know if these medicines were also pilfered from the packages?

A Yes, sir.

Do you know what would happen to a prisoner who complained that his package was pilfered?

A First of all the prisoner who received a Red Cross package would get a receipt in his block through his block eldest, to be signed by

(Jay - direct)

him that he received a package from the Red Cross. This receipt would go back to the Red Cross. After it was signed, the package, whateverit contained, was given to the prisoner.

Q Do you know if a prisoner ever refused to sign any of these receipts?

A Yes, sir.

Q Why would he refuse to sign the receipt for the package?

A Because the package was not complete, sir.

Q What would happen to that prisoner who refused to sign that receipt for the package?

A He was punished.

Q Do you know at whose order he would be punished?

A He was reported from Andrae to the roll call leader and he would be punished at the roll call.

Q I would like you to look around the court room and tell me if you can identify any other of the accused?

A No. 8.

Q What is his name?

A Helbig.

Q Can you tell me what Helbig's rank and position was at Dora?

A Master sergeant.

Q What was his positi n and duties?

A He was in charge of the clothing stores. Prisoner clothing stores.

Q What was the condition of the clothes of the prisoners when you were at Dora?

A My suit I received in September, 1943, and the first change of a suit in June 1944. The shirt was changed about January or February 1944, sir.

Q What was the condition of the clothing of the inmates in the winter time, while you were at Dora?

A The first winter, 1943-44, when I was at Dora was very, very bad. We had one suit of clothes, a pair of shoes, old rags on our feet, and one cap. That is all we had. And a shirt.

Q What were your facilities for washing clothes at Dora?

A At first in Dora there were no facilities to wash clothes, because we had no water for our food, for our dinners, we couldn't wash any clothes.

Q Did you ever have occasion to go to the supply room or to have your block eldest go to the supply room for you to ask for clothes?

A The only time I changed my clothes was when I worked in the clothing store myself as carpenter.

Q Did you observe either the inmates or block eldest coming into the supply room while you were there to ask for clothes for inmates?

A The rules were, when the prisoners had roll call evenings they had to go to the clothing stores to see if they could change their clothes. One would imagine that this Dora had about eight or ten thousand men and these men were hungry in after they got through work and wanted to get back to their blocks to have food, so they hurried to the clothing store as soon as possible. They all tried to be in the clothing store and get their clothes at once and as the capo couldn't deal with it, Helbig came and helped him, with a stick. Simply drove the prisoners away, because when a prisoner saw an SS man,he simply ran. He knew what was wrong.

Q Describe the scene of a great number of prisoners rushing away together from the clothing store?

A As soon as we knew there were clothes in the clothing stores we ran there with one big heap of persons and as the SS men came between us

(Jay - direct)

everybody tried to flee;the strongest ones got away and the weakest ones remained laying. They all tried to dodge the beatings.

Q Who would give these beatings.

A Helbig and his helpers and SS men.

Q When did you leave Dora?

A August 1944.

Q Where did you go from Dora?

A To Wieda.

Q And how long were you at Wieda?

A Until the ninth of April 1945.

Q Do you know if Wieda was a subcamp of Dora?

A Yes.

Where did you go from Wieda?

A We left Wieda on the ninth of April in a transport and Wieda was altogether four camps. That was Mackerode, Nixei, Osterhagen and Wieda. These four camps were altogether a building brigade for building a railroad through the Harz. Altogether we were a thousand men.

Q What were the general conditions in these outcamps of Dora that you were in?

A At first very little clothing, very few blankets and also the doctor tried to do his best with very little medical supplies. And the food we got it some times mornings, some times middle of the night, some times afternoons, it all depended on when it was finished. When supplies had failed from Dora, the lorry broke down on the way, we had to wait.

Q What type of work were you assigned to at these outdetails?

A Carpenter work. Building barracks.

Q What was the name of the last camp that you were in just before liberation?

A Where I was liberated?

Q The name of the camp?

A Wieda was altogether a thousand men. Osterhagen was the last.

Q When did you leave Wieda?

A Ninth of April, 1945.

Q How many men left with you?

A A thousand altogether.

Q Where did you go from Wieda?

A We walked, marched, the first day 50 kilometers. We slept in the woods that night. Next day we got on the train and we got towards Magdeburg and there we were told the train must return back because American troops are nearing. So the train went back to a position called Bole. As we arrived here we had about 400 sick prisoners who couldn't walk, were very sick, and we were preparing at a side station food for these prisoners. On this transport we had the German airforce, so-called luftwaffe, as guards, and while we were preparing food the American airplanes came way low and we heard cannon firing. All of a sudden the luftwaffe left us and went into the woods for shelter. The thousand prisoners simply wandered about any place we wanted to until such times as the Home Reserve Guard came there and rounded us up again towards the train. In the meantime, professional criminals, so-called SV's, searched the train and found ammunition of the SS, also rifles and munition, and stood the machine guns on the ramps and shot at the prisoners. I myself had with me a young Belgian 17 years old. I said to him, "Come, we will go in the train in safety." When we went onto the railroadon to the train we were shot at. He got a shot through his leg. I saw another dead body there, I ripped his shirt off and bound his leg with the shirt. Shortly after this prisoner died, I am sorry to say. I myself escaped by putting on a Wehrmacht overcoat and hat. This I had to do because we were surrounded by the Home Guard. There were several more prisoners escaped. I met them in the woods later. We came to a village called Burgstahl. I said to these prisoners,"I will remain here until the Americans come." We were liberated on the 12th of April.

(Jay - direct)

Q Did you know a person named Johnny Nikolas?

A Yes.

Q What was his nationality?

A He was a nigger. He told me he was an American, sir. I spoke to this man pretty near every evening.

Q You mentioned the name of the accused Moser before. I would like you to look around the court room and identify him for me?

A No. 13.

Q You previously mentioned that you were at Wieda. I would like you, in a few sentences, to tell me the general conditions there, mentioning the food, clothing sanitation and hospital facilities at those camps.

A These things were very, very short. Very little food, clothes very short and as to medical supplies, we had almost none at all. Dora had none--that was the main camp--therefore the outside camps received none at all.

Would you say, in your experience, that the camps at Wieda were better or worse--that is as to the general conditions--than Dora was?

A In general, I think Dora was 100% worse than Wieda.

PROSECUTION: I have no further questions.

PRESIDENT: Court will recess for ten minutes.

(Whereupon the court recessed at 1615 hours.)

(The court reconvened at 1625 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: Let the record show that all members of the court, all the personnel of the prosecution and the defense, all the accused, the reporter and the interpreter are present.

PRESIDENT: The witness is reminded that he is still under oath.

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL

Q Mr. Jay, what part of England do you come from?

A Plymouth.

Q And for how long were you at Dora? Will you give us those dates again, please?

A August 1943 until August 1944.

Q Then you were there for exactly one year, is that correct?

A Yes, sir.

And you stated that you were with the first group to arrive, or with the second group?

A I said when I arrived the General's party had been there already, sir.

Q Did you volunteer for service at Dora from Buchenwald?

A Sent there by Jacoby.

Q Did you volunteer to go to Dora with Jacoby along with 60 other prisoners?

A No, sir. I did not want to go to Dora.

Q Did you know the accused Jacoby at Buchenwald?

A Yes, sir.

Q Have you ever worked in any mines?

A In the camp of Dora?

Q Before that time had you ever worked in any mines?

A No, sir.

Q Have you ever visited any of the coal mines in England?

A Where I live there are no coal mines, sir.

Q Will you please answer my question? Have you ever visited any of the coal mines in England?

A No, sir.

Q Do you know anything about the working conditions in the coal mines in England?

A No, sir.

Q You have stated that at the time you arrived the prisoners were

(Jay - cross)

sleeping in the tunnels; is that correct?

A The majority, sir.

Q The majority of the prisoners were sleeping in the tunnels?

A Yes.

Q Do you know for how long a period that practice was continued?

A With beds, sir, or without beds?

Q No, the whole time?

A The whole time?

Q Yes.

A Until March 1944, sir.

Q A total period, then, of approximately eight months, is that correct?

A Yes, sir.

Q And of that period of eight months, how long did they sleep on the floor and how long did they sleep in the beds?

A The first beds were built eight days after I arrived, sir. Then the first prisoners were put in these bunks. The remainder remained on the stones until beds were built.

Q What was the total time that elapsed before you completed the building of the beds?

A Ten weeks, sir.

Q So, in other words, the longest time that any prisoner slept on the floor was for ten weeks, is that right?

A Just about, yes.

Q And a large number of them didn't sleep that long on the floor because they got into the beds as you constructed them, isn't that right?

A Correct, sir.

Q Now you have stated that you were under quite a great deal of pressure from the individuals supervising this construction to hurry

(Day - cross)

and build these beds; isn't that right?

A Yes, sir.

Q You have also stated that after you finished constructing the beds you then undertook the project of constructing barracks outside of the tunnels; isn't that correct?

A Yes, sir.

Why were not the barracks built in the first place, instead of housing the prisoners in the tunnel?

A The reason being, sir, that the door was confiscated on the V-1 and V-2 and the main thing was with Germany to get these tunnels, they having been bombed out in 1943 and the production of V-1 and V-2 had been carried out as a revenge weapon for Germany. Enough prisoners were there in Germany to be used. I don't think the SS authorities asked about a prisoner or two; there was enough there, sir.

Q Why were not the barracks built in the first place rather than house the prisoners in the tunnels?

A The reason being, sir, then Dora was confiscated, for they wanted to build the V-2, and the main thing was for Germany to get these built, because Peenemuende was bombed in July 1943 and the production of the V-1 and V-2 had to be carried out as a revenge weapon for Germany. As enough prisoners were there in Germany from the concentration camps to be used, I don't think the SS authorities asked about a prisoner or two. There were enough there, sir.

Q In other words, what you are trying to tell me is that this was an emergency project, wasn't it?

A Yes, sir.

Q And these people were housed under emergency conditions, isn't that right?

A Yes, sir.

Q And the people in charge as rapidly as they possibly could constructed beds and barracks for them to sleep on the outside, is that right?

A Yes, sir.

Q Do you know of your own knowledge how much authority Jacobi had in prescribing the priority of projects, construction projects?

A Jacobi was in charge of the work shops, the carpenters work shops, and he was the person to drive the prisoners to work and see that the work was done, work on the beds. After this was completed, as far as I know, the barracks were to be put up as soon as possible so the prisoners could leave the tunnels, but, owing to the winter the barracks couldn't be built so soon because the ground was very, very soft, sir. And also the barracks had not arrived by train.

Q So far as you know, everything possible was done to expedite

the construction of barracks and beds to house the prisoners a little more comfortable than under the emergency conditions, isn't that so?

A As soon as material arrived it was used right away and built for the prisoners and the SS. The authority was S first -- the barracks, you see - and then came the prisoners.

Q And in the construction of these barracks and beds, Jacobi did everything he could to expedite such construction, is that right?

A I assume he had his orders to, sir.

Q Will you answer my question? Did he to it or did he not do it?

A Yes, sir, under great pressure.

Q In this construction of this camp, do you know who had the overall supervision of the construction of the camp? Was it the SS, a civilian concern, or was it the army engineers, or do you know?

A That I couldn't say. I worked under Jacobi, nobody else.

Q Now, at the time that these bunkers and beds were built in these tunnels it was not contemplated that these would be permanent sleeping quarters for the prisoners, is that right?

A It was planned that after the camp outside --- that it be for emergency. We were put into tunnels to sleep until such time as the barracks were erected.

Q And isn't it a fact that the blasting which took place day and night was also part of this program to expedite the building of these tunnels?

A Yes, sir.

Q Now, you have made the statement that the prisoners were not permitted to leave these tunnels; at one period, I believe you said, they were permitted to leave the tunnels only once each week and that was on Sunday during roll call; is that correct?

A I explained, in the first few weeks we had roll call every day, sir, and as the majority of the prisoners worked in the tunnels it wasn't

necessary to go to roll call every day and we had roll call once a week on Sunday -- general roll call.

Q Except for that, those two periods -- one during which the prisoners were allowed to come out just once a day for roll call and later on on Sundays, the prisoners were not permitted to leave the tunnels at all, is that correct?

A As I explained before, capoes or someone on duty, assigned to fetch food and water, supplies, could; otherwise, they were not allowed.

Q My question just refers to prisoners in general. Were they permitted to go outside these tunnels except on those periods we have mentioned for roll call?

A Only when on duty, sir.

Q Now, at this roll call formation, were the prisoners ever allowed to fall out -- that is, to move about freely -- or were they formed and marched back after roll call?

A At first we were -- on roll call had to stand at attention until the roll call was finished; and in the early days we were driven into the tunnels after the roll call -- driven.

Q But you were not permitted to circulate on the outside freely at any time, is that right?

A Certainly not, sir.

Q During this roll call period did you ever hear anyone ask for permission to relieve himself on the outside?

A He couldn't risk it, sir.

Q Please answer my question. Did you ever hear anyone ask for that permission?

A No, sir.

Q So, in other words, it would have been impossible for anyone during these roll call periods to have obtained permission to get a drink

of water, for example; is that correct?

A Yes, sir.

Q And didn't you make the statement that there was no drinking water in the tunnels at all?

A Yes, sir.

Q Well, now, if there was no drinking water in the tunnels and the only time these prisoners came out was during roll call and during roll call they couldn't drink water, what you are telling the court and expecting them to believe is that the prisoners never drank water, is that correct?

A I said the prisoners fetched food and water as well. On duty they fetched food as well as water.

Q In other words, the prisoners did leave the tunnels at times other than during roll call periods, is that right?

A On duty, sir. Food obtaining was duty, sir. Also for capos.

Q Did all the prisoners go out and get the food or did just certain-- a few go out and get the food?

A As we marched in the tunnels after roll call, sir, so many prisoners remained behind on the roll call square from each block for the food carriers -- they carried the food from the block with the coffee.

Q Nevertheless, then, under that set-up, system, some of the prisoners still would never have any opportunity to drink water; is that correct?

A The prisoners in the tunnels, no -- no water. Only coffee evenings and mornings.

Q How much coffee was given to them?

A They should have gotten a half liter, sir, but when the coffee arrived there was a fight for the coffee.

Q How much coffee did you actually get?

A We should have had a half liter mornings, a half liter evenings, sir.

Q So, in other words, you did get one liter of liquid a day?

A Should have, sir. May I explain, sir?

Q Yes.

A From Nordhausen the water was very, very low for Dora. As Dora wasn't equipped for a camp and there was no water supply at Dora, therefore late in the year or beginning of '44 a new pump was built to bring water up to Dora. Many days we could not get enough water for our dinner to be cooked, without cooking coffee. We were told, "No water, no coffee." We were glad when it rained to get a drink -- to get a couple of drops to drink.

Q How did you do that in the tunnel?

A On the roll call square.

Q You mean you were permitted to carry your cups with you to the roll call square?

A Every prisoner carried his own basin or mug with him the first time in Dora. Otherwise it would have been stolen, sir.

Q Could you hold your cup to capture the rain water while standing at attention?

A As long as we were not seen, sir.

Q Now, will you tell the court, please, just approximately the diameter of these various tunnels? In height and width?

A The exact height is 12 meters and 50.

Q Is that tunnel A you are referring to now

A All the tunnels.

Q All these tunnels are the same diameter, is that right?

A The same diameter. The floor boards were laid at eleven and a half meters so as to get the beds in as required.

Q Will you go on, please, describing the diameter of the tunnel?

A The diameter was 12 meter 50, sir.

Q You mean the circumference was 12½ meters?

A Diameter, sir. Across. Twelve and a half. The circumference

is 'round; diameter, across.

Q Will you tell the court whether 12½ meters is as wide as this court, or more or less wide?

A Just a minute, please. This room is about 10 or 10½ meters wide.

Q So, in other words, the diameter of those tunnels was wider than this room?

A The difference between 10½ and 12½ meters. 2 meters.

Q Now, in a tunnel 12½ meters in diameter -- that will hold quite a lot of cubic feet of air, will it not?

A Yes, it would, sir, if no blasting were going on.

Q Do you know approximately how many cubic feet of air are consumed by a man per day?

A I never inquired about that.

Q I would like to refer you to your testimony regarding the one occasion on which you loaded certain sick people on a transport. Do you recall your testimony in that connection?

A Yes, sir.

Q You stated, I believe, that you were ordered at the point of a pistol to load these people onto this transport, is that correct?

A Yes, sir.

Q Who was it that pointed the pistol at you?

A The blond Hauptscharfuehrer, sir.

Q Do you know his name?

A No.

Q But it was not Koenig?

A No, but he was with him, sir.

Q But it was not Koenig?

A I couldn't say, sir. They were both there. We were busy.

Q And approximately what date was that that that incident occurred?

A That was the beginning of 1944, sir.

Q Now, I assume that in this camp as in nearly all the concentration camps there was no dearth of rumors, is that correct?

A That is in general, sir, in every camp.

Q There were many rumors?

A In every camp, sir.

Q Did you believe all these rumors?

A Mostly we believed, sir.

Q Now, a large part of your testimony is based upon something that you have heard, isn't that so?

A No.

Q Didn't you testify that you heard that Koeser ordered those hangings?

A I said he was present. He was present at the e hangings.

Q You testified that you saw him at these hangings, is that correct?

A Yes, sir.

Q Didn't you further testify that you had heard that he was the one who had ordered them?

A We ordered punishment, sir.

Q But you never heard that he ordered them to be hanged?

A I didn't say he ordered them hanged; I said he ordered them punished.

Q You also made the statement as part of your testimony that in the beginning Jacobi and Koenig and, I believe, Brumm were the only SS officers in camp; is that correct?

A Another officer called Mueller, I mentioned.

Q These were all non-commissioned officers, is that right?

A Yes, sir.

Q Now, wasn't Major Koerschner in camp at that time?

A Not the first time, sir. I am talking about the first eight or

(JAY- rcrs)

ten days, sir.

Q But after eight or ten days, there were officers present in the camp, is that right?

A Yes, sir.

Q Now, I should like to recall for you the incident about which you testified in which certain SS men beat a Russian prisoner at a roll call. Do you recall that testimony?

A Yes, sir.

Q And you testified that there were two SS men present, one of them being Jacobi, is that correct?

A Yes, sir.

Q Now, do you recall exactly whether it was Jacobi or the other SS man who did the beating or both?

A Both.

Q Didn't you testify that this beating was done with a board?

A Yes, sir.

Q Did they both have hold of the board?

A When one was tired the other started, sir.

Q They took turns, is that it?

A Yes, sir.

Q Do you know whether this prisoner had done anything for this punishment?

A That we never got to know, sir. We got called out of the ranks and just punished.

Q I should like to call your attention to your testimony regarding a certain hanging that took place in which you testified that the accused Wiener and Boeser were present. Do you recall that testimony?

A Yes, sir.

Q Can you fix for the court the approximate date of that incident?

(JAY-Cross)

A I explained. Dates we do not know exactly, but it was about the beginning of the year 1944. It could be further in 1944. We were up in the camp already in 1943.

Q Well, would you estimate it to have been January, February, or March?

A I would sooner say March than January, sir.

Q Between March and January?

A Somewhere in that time. It could have been up to April, as far as that goes. It was the first hanging I ever saw in my life anyway, sir.

Q Well, do you recall whether it was fairly close to Christmas time, or was it a long time after Christmas time?

A It must have been after Christmas, sir, because the camp was pretty well erected.

Q Was there snow on the ground?

A No, sir.

Q What would be the longest time after Christmas that you would estimate that this could have taken place? In other words, it wasn't summertime, was it?

A No, sir.

Q Now, if I told you that the accused Houser did not arrive in Camp Dora until the last part of May 1944 how could you account for having seen him at this hanging?

A As I say, I couldn't tell the exact time of the year. The camp was finished and the roads were finished. It was pretty late. We started building in December. During the winter we held up because of the weather.

Q In other words, your memory really isn't clear as to this incident, as to when it occurred?

A When it occurred I couldn't say exactly, sir, but I know that it occurred.

Q And the incident itself is very clear in your mind as to just

what happened?

A What I saw I don't forget, sir, but I can't remember dates.

Q Do you know now or have you ever known a man by the name of Peter Schrauer?

A No, sir.

Q I believe you testified on direct examination something regarding one of the prisoners whose name was Schimischek, is that correct?

A Schimischek, sir.

Q And this Schimischek was a prisoner, I believe you testified, who refused to perform the hanging, is that right?

A Yes, sir.

Q Do you know whether Schimischek was ever permitted to enter the bunker?

A He was put into the bunker, sir.

Q At what time?

A At the hanging, sir. By the hanging of these four men when he refused he was put in the bunker.

Q He had never entered the bunker before that time?

A I assume not, sir.

Q Now, did you have occasion to examine the bodies of these four men who were hanged after they were dead?

A No, sir.

Q You are not a qualified physician, are you?

A No, sir.

Q You testified that you were certain that some of these people died of asphyxiation rather than a broken neck, did you not?

A I said the one on my left was more strangled than hanged, sir.

Q But you never examined his body.

A You can see the difference between whether one was hung and died, sir, and one was strangled. The one lived longer.

Q And do you believe yourself qualified to determine by just looking at a person who has been executed and comparing him with another one, to state which one was asphyxiated and which one had died from a broken neck?

A I think you can see that by the hanging, sir.

Q Now, I should like to recall to your mind your testimony regarding this shooting at the quarry that you testified about. Do you recall your testimony in that regard?

A Yes, sir.

Q I believe you stated that you saw the accused Boeser, Brinkmann, and Braun armed with pistols march to this quarry, is that right?

A Yes, sir.

Q And were there any other SS men marching with them?

A In advance.

Q There were other SS men with them however, were there not?

A A good way in advance, to drive the prisoners away from the scene, from the place where the prisoners were to be shot.

Q And did these other SS men enter the quarry with the prisoners?

A No, sir.

Q What distance were you from these groups as they marched by?

A Different, sir. Every time I saw them, it was that far; sometimes it was that far, or that far. The people went across the street.

Q And on all these occasions that you have mentioned, these accused, Boeser, Brinkmann, and Braun, were with these prisoners?

A Yes, sir, that is what I saw, sir.

Q And on how many occasions did you see this?

A That is a bit hard to say, sir.

Q You didn't recognize any of the prisoners, you stated; is that right?

A All prisoners looked the same, sir, in the camp. The only thing you could tell, if you saw their triangle, what nation --- "P" for Pole,

"E" for English, and Dutchman -- all different letters in their triangles.

Q All the SS men were dressed the same, too, weren't they?

A You know them well, sir.

Q Now, will you please fix for the court as close as you can the dates on which these marches to the quarry and these shootings took place?

A These barracks were built pretty late. Over in the quarry -- it must have been shortly before I left, about six weeks before I left, or so. About June, July, or August, sir.

Q And what was the first one that you saw?

A I would say between June and August, sir.

Q That was the first march?

A Yes, sir.

Q And when was the last March?

A Shortly before I left for Aleda.

Q In other words, all these marches occurred within a period of one month?

A June, July, and August. Three months, sir.

PRESIDENT: The court will recess until 9 o'clock tomorrow morning.

(Whereupon the court recessed at 1705 hours, 7 August 1947, until 0900 hours, 8 August 1947.)

MILITARY GOVERNMENT COURT — V. . . 2

CASE RECORD — PAGES 101-174

CASE NO. 000-50-37

PROSECUTOR Lt. Col. . erman

DEFENSE COUNSEL Major L. Foulleda
Lilly [illegible] er

INTERPRETERS Simon Weisglas

REPORTERS Gloria . [illegible]ears
Ar . . Williams
Peter L. DiCurti
John L. Busdorff

SUMMARY
INTERMEDIATE MILITARY COURT
GENERAL

PLACE Dachau, Germany

DATE 8 August 194[illegible]7

WITNESSES

CECIL JAY

[illegible]

ACCUSED ARTHUR [illegible] ADAMS, et al.

ADDRESS _____ SEX _____ AGE _____

	FIRST CHARGE	SECOND CHARGE
PLEAS		
FINDINGS		
PREVIOUS CONVICTIONS		

SENTENCE

IMPRISONMENT (TERM _____
(BEGINNING _____ 194_____

FINE AMOUNT _____
TO BE HELD IN CUSTODY UNTIL PAID OR FOR A PERIOD OF _____ IMPRISONMENT

CHARGE SHEET AND RECORD OF TESTIMONY ARE ATTACHED HERETO.

_____
SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY _____

_____

_____
SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

RECORD OF TESTIMONY

in trial of

THE UNITED STATES Versus ARTHUR ANDRAE, et al

by

GENERAL MILITARY GOVERNMENT COURT

tried at

DACHAU, GERMANY BEGINNING 7 AUGUST 1947

8 August 1947 Pages 101 thru 174

TESTIMONY

WITNESSES	Direct	Cross	Redirect	Recross	Court
CECIL JAY		101	111	117	125
JOSEF ACKERMANN	126				

not see who fired them, is that correct?

A Yes, sir.

Q So, in other words, it is impossible for you to testify from your own knowledge whether any one particular individual fired those shots, is that right?

A As the men moved, also at the area of the stone quarry but these three prison guards, the S.S.M., and of course must have shot them.

Q Yes, but can you state under oath which of the men fired the shots?

A I said during the shooting, we couldn't see them, sir.

Q So, in other words, you cannot testify which man fired the shot or shots?

A Individually, no, but one of the three must have shot them.

Q Now, can you distinguish one pistol from another from the sounds they make?

Tr 11-gas-kornhausen-8/8/47-1

MORNING SESSION

(Thereupon the court reconvened at 0900 hours, 8 August 1947.)

PRESIDENT: The court will come to order.

PROSECUTION: Will the record indicate that all the members of the court, all the personnel of the prosecution and of the defense, all of the accused, the reporter and interpreter are present. At the end of the last session the witness, Jay, was under cross examination.

CECIL JAY, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, testified further as follows:

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q Mr. Jay, at the close of the last session we were discussing this incident in which certain prisoners were marched to a quarry and shot. Do you recall your testimony in that regard?

A Yes.

Q You testified that you heard pistol shots fired, but you did

A Being in the English army, and eight years one of the best pistol shots in the army, I can recognize pistol shots.

Q I don't believe you understand my question. I am not doubting that you can recognize a pistol shot from a rifle shot, for example. My question is, can you tell if pistols of the same caliber are fired, can you tell from the sound which pistol is being shot?

A Yes, Sir. A miniature pistol and an army pistol is different.

Q I still think you don't understand my question, Mr. Jay. My question is, if pistols of the same caliber are fired, can you hear and differentiate one pistol from the other?

A Not directly, Sir, but you can hear different shots, Sir.

Q Well, the same pistol makes a different sound if it is fired under different conditions, will it not?

A That will depend on the ammunition, Sir.

If a pistol is fired in an enclosed area, it produces a different sound than when it is fired in an open field, isn't that so, assuming the same ammunition is to be used?

A Yes, Sir.

Q So, in other words, the same pistol can actually make different sounds, can't it?

A When a pistol is fired, Sir, when the first shot goes through, it makes a terrible noise; when it is shot ten times, it makes a different noise.

Q You made a statement on direct examination, Mr. Jay, that the civilian administration gave orders to the SS to perform certain executions. Upon what do you base that knowledge?

A V-1 and V-2 weapons were built by civilian firms, Sir. These weapons the SS had very little to do with them, and meanwhile reports of sabotage from prisoners on V-1's and V-2's had been made from the civilian firms to the SS, and the prisoners would get punished for sabotage.

Q Did you personally ever use any of those damage reports?

A No, but I do know that a watchman was removed for sabotage because he put a piece of rubber on the bottom of his shoe to keep the heels warm sleeping.

Q My question to you, Mr. Vaughn, is: You do have a knowledge, now also derived, but are you testifying to your own of your own knowledge—did you ever see a sleeping report prepared by the Willow Administration and taken over by the Navy?

A There was no other document to be turned in from the civilian firm to the Navy.

MR. FRANKFURTER: That is clear. Did you interrupt the witness to ask him any question, Mr. [illegible], that we have not had?

[illegible] the witness was [illegible] by the Belmont counsel.

[illegible]

Q All your [illegible] answer by [illegible]?

A Yes.

Q Mr. Vaughn, I should like to [illegible] for your [illegible] why [illegible] Do you recall your [illegible]?

A [illegible]

Q In a period of your [illegible] was [illegible] inspection [illegible] Did you make [illegible]?

A [illegible]

Q [illegible] for the Navy [illegible]?

A [illegible]

Q The subject which was [illegible] to be a Government project, is that right?

A Yes, sir.

Ik ll-gms-Horchhausen-2/5/47-4

Q And, therefore, the restrictions placed upon articles which could be brought in through the mail were very strict, is that right?

A Yes, Sir.

Q Are you familiar with the treasonous restrictions--the official restrictions as to what articles could be permitted to the prisoners in this top secret project, and which articles could not be given to the prisoners?

A No, Sir.

Q So, in other words, you are not in a position then to judge the rightness or the wrongness of certain articles that were removed from those packages, are you?

A No, Sir.

Now, you testified that on some occasions the prisoners were forced or requested to sign receipts for packages they did not receive, is that correct?

A Yes, Sir.

Q Can you explain to the court why if the camp administration aimed to steal these packages, obviously making them guilty of theft, would they have any scruppies about forging the receipts, why they forced the prisoners to sign the receipts?

A The only parcels that had to be signed for were Red Cross packages, Sir. This slip of paper was brought to the block eldest, Sir. As the prisoner returned to the block in the evening hours and to him to sign for the package that was at the post at the same time. This prisoner was ordered to go to the post and receive his package at the window. When he arrived he received his package, Sir. As most of these prisoners received quite a lot of Red Cross packages, they must know what should be in them, but when some prisoner received only an empty box and the paper, that is not what he expected, Sir. So what these prisoners did is, they went to the company eldest and complained, Sir. He could do nothing for them but send them to

the post again to inquire about it. The prisoner didn't risk that, Sir. He knew what had happened when he reported the arrest at once.

Q We understand this, but my question is, if these unscrupulous people were stealing these packages, why were they scrupulous about forging these receipts--why didn't they forge these receipts and send them back to the Red Cross?

A The signature from a prisoner couldn't be refused because he was a prisoner, Sir. He had to do what he was told.

Q You didn't understand my question. I want you to explain to the court why these people who were so unscrupulous about stealing the contents of the packages were so scrupulous about getting the signature. Why didn't they simply sign the prisoner's name to the receipt and send it back to the Red Cross?

PROSECUTION: Just a minute. I pray the court's judgment--

DEFENSE COUNSEL: I withdraw the question.

QUESTIONS BY DEFENSE COUNSEL:

Q Do you know whether the opening of these packages was supervised by both SS men and prisoners?

A The prisoners in the post were not to open parcels without permission of Andrea.

Q Do you know whether at the opening of these packages there were prisoners present when they were examined?

A Certainly, Sir.

Q Now, I would like to ask you this question. You have testified as to various matters pertaining to the following accused. In other words, these accused have appeared in your testimony from time to time, Brinkmann, Brany, Jacobi, Koenig, Andrae, Hosner, and Kolbig. My question to you is this, did you ever see any of these people kill anyone?

PROSECUTION: Just a minute. I think the question should be broken down, and not ask the witness to keep six names in mind in one question.

DEFENSE COUNSEL: If the court desires, I will ask the questions individually.

PRESIDENT: I think it would be better to take them one by one.

QUESTIONS BY DEFENSE COUNSEL:

Q Did you ever see the accused, Brinkmann, kill anyone?

A I have only said--

Q Just a minute. All I want is an answer to my question. Please answer the question, did you ever see the accused, Brinkman , kill anyone?

PROSECUTION: May it please the court, I ask the court's judgment. I think the witness should not be asked to answer "Yes" or "No". The value of the testimony is a matter for the court to determine.

PRESIDENT: The witness may be required to answer that question "Yes" or "No". Explanations can be brought out in redirect examinatio .

QUESTIONS BY DEFENSE COUNSEL:

Now, will you please answer my question, did you ever see the accused, Brinkmann kill anyone?

A No, Sir--Direct, No, Sir.

Q Did you ever see the accused, Breuny, kill anyone?

A Direct, No, Sir.

Q Did you ever see the accused, Jacobi, kill anyone?

A Yes, Sir.

Q Did you ever see the accused, Koenig, kill anyone?

A No, Sir.

Q Did you ever see the accused, Koeser, kill anyone?

A Direct, No, Sir.

Q Did you ever see the accused, Andrea, kill anyone?

A No, Sir.

Q Did you ever see the accused, Halbig, kill anyone?

A No, Sir.

Q Will you please tell us when you saw the accused, Jacobi, kill?

A May I explain it, Sir?

Q Yes.

A As I mentioned in my statement that on the roll call square when Jacobi and Mueller took this board with the edge and beat this prisoner on the back side in turn with Mueller and Jacobi, this prisoner remained on the roll call square after we went to the tunnels and being in the carpenter shop, we were going to put the body in the box the next day and send the body to Buchenwald to be burned.

Q So, in other words, the next time you saw this prisoner was on the followin day, and he was dead at that time, wasn't he?

A The following day after roll call.

Q And that was a period of how long a time?

A That was 7 o'clock--7 to 7--12 hours.

Q You mean 7 in the evening to 7 in the morning, is that right?

A Yes.

Q Did you have occasion to examine the body anywhere?

A When he was naked, Sir.

Q Were you able to determine the cause of his death from your examination?

A What else could it be but the beating, Sir? The prisoner was healthy when he reported to Jacobi. The next morning when I saw him, he was dead, Sir.

Q And you feel qualified to determine the cause of death by examining the body?

A No, sir.

Q I should like to recall your testimony with regard to the distribution of clothing. You stated, I believe, that the accused Helbig on several occasions refused to issue clothing to prisoners and administered beatings to them in the clothing store, isn't that correct?

A Yes.

Q I believe you said that that was in the winter of 1943, did you not?

A No, sir.

Q Didn't you testify that the winter of 1943 was particularly bad for lack of clothing?

A I said the winter was bad for clothing, but I didn't say I saw Helbig in '43, sir.

Q In other words your testimony is not that Helbig was responsible for the lack of clothing in 1943, is that right?

A He wasn't there in '43, sir. In 1943 we had no clothing store at all.

Q When was it that you saw Helbig administer these beatings in the clothing store?

A 1944, sir. Summer.

Q If I were to tell you that the records show that Helbig did not arrive at Dora until December, 1944 how would you account for your testimony in regard to the beatings that he had administered in the summer of 1944?

A If it was held in summer--anyway I was at the clothing stores from Wieda to fetch clothing for Wieda as well. We were refused clothing by Helbig himself for Wieda Camp and its out amp. We were refused by Helbig and as he arrived at Wieda evenings---

Q I am not interested in the situation in Wieda. I am interested

(Jay-cross)

in your testimony that you saw Helbig administer beatings at Dora in the clothing store in the summer of 1944 whereas in effect the records show---

PROSECUTION: I pray the court's judgement. There is nothing in the record to show when Helbig was there. Now---

DEFENSE COUNSEL: I will withdraw the question.

Q My question is this: If I were to tell you that this record shows that Helbig did not arrive until December of 1944, how then would you account for your testimony that you saw him administer beatings at Dora in the summer of 1944?

A If I am allowed to explain, sir?

Q If you limit your remarks to Dora, yes.

PROSECUTION: I pray the court's judgement. He has been asked to explain a prior discrepancy in his testimony and I think he should be allowed to do it.

DEFENSE COUNSEL: I will withdraw my prior question. I am going to put a direct question to you.

Q Did you see Helbig administer beatings in Dora in the summer of 1944?

A Beatings, no, sir. Summer, no.

Q Did you not testify previously in direct examination that you saw such beatings by Helbig in the summer of 1944?

A I don't remember saying any date sir.

Q You left Dora in the summer of 1944, didn't you?

A In August, sir.

Q So then if you did see Helbig administer beatings in Dora it must have been before August of 1944 isn't that so?

PROSECUTION: I pray the court's judgement. He has already testified that he left Wieda to come to Dora to the clothing supply. It is an improper question to put.

(day-cross)

PRESIDENT: The objection is overruled.

DEFENSE COUNSEL: Will you please answer my question.

THE WITNESS: May I have it again, sir.

DEFENSE COUNSEL: Will the reporter read the last question?

(Thereupon the reporter read the last questions as follows:

"Q So then if you did see Helbig administer beatings in Dora it must have been before August of 1944, isn't that so?")

THE WITNESS: No, sir.

QUESTIONS BY DEFENSE COUNSEL:

Q Didn't you leave Dora in August of 1944?

A Yes.

Q Now you testified, Mr. Jay, as to certain conditions in these tunnels about which I would like a little more clarification please.

A Which way do you mean, sir? In regards to conditions or---

Q I will put the questions to you in just a minute. I just wanted to recall your testimony.

A Thank you.

Q Do you know, of your own knowledge, who prescribed the number of prisoners who were to sleep in these tunnels?

A No, sir.

Q You do not know then whether any of these accused prescribed the number of prisoners who were to sleep in these tunnels do you?

A These prisoners were handed over from the SS in Buchenwald to the SS in Dora. They were to see how they got along with the prisoners--where they slept--it was their business.

Q When was Tunnel "A" finally opened--cut through the mountain?

A This end was opened first because these rocks were solid and hard.

DEFENSE COUNSEL: Let the record indicate that the witness is pointing to the North end of Tunnel "A".

A And this end here was very soft rock.

DEFENSE COUNSEL: Let the record indicate that the witness is now indicating the South end of Tunnel "A".

A And this had to be concreted out--the whole tunnel from here to the end. Therefore this tunnel end was much longer than this end because this end was opened only by blastings and finished straight away through the concrete, therefore this end was opened before this end.

DEFENSE COUNSEL: Let the record indicate that the witness in his last statement was indicating that the North end was opened before the South end of the tunnel.

Q Now, approximately how soon after these prisoners were sleeping in these tunnels was the North end of Tunnel "A" opened?

A This must have been opened about in spring, 1944.

Q Will you please explain to the court what is the meaning of this small square labled "Exhauster"?

A This small exhauster herewas built by the Firm Ofe and this was used for the Firm WAYSS for the construction of these tunnels one at a time to carry the bad air and dust away from these tunnels, just one tunnel at a time. Therefore, this air shaft couldn't carry enough bad air and dust away from these blastings here complete with all four tunnels, therefore, very little of this dust was carried out by this exhaust pipe which was tried but was insufficient.

Q But this exhauster did provide some circulation of air in the tunnels did it not?

A This was not here to circulate air in the tunnels. This was only here to draw dust out of the tunnels.

Q Did it also exhaust the air from the tunnels along with the dust?

A Certainly, sir.

DEFENSE COUNSEL: No further questions.

REDIRECT EXAMINATION

QUESTIONS BY CAPTAIN MCGARRY:

Q On cross examination, Mr. Jay, you were asked when you saw Kalbig

beat any inmates?

A Yes.

Q Will you explain to the court how you could see Melbig beat inmates after the time you left Dora?

A Going to my billet in the carpenter shop I needed several times materials for building and I was sent by Hauptscharfuehrer Brauny to Dora to fetch materials with a lorry, a truck.

Q Mr. Jay, about how many times did you visit the supply room at Dora where Melbig was when you were at Ilfeld?

A At least 20 times, sir.

Q On your cross examination you were asked if you ever saw Drinkmann kill anyone. Your answer was, "No."

A Yes.

Q Is there anything further you would like to say on that?

A As I have explained, sir, that I saw these people walk into the quarries with prisoners and heard shots fired and as no other prisoners were in the area of these quarries at the time, being driven away from the SS in advance, these could have been nobody else who shot these pistols except those three persons who walked into the quarries with these prisoners.

Q What were the names of these three persons again?

A Brauny, Drinkmann and Moser.

Q Getting back to the subject of the tunnels Mr. Jay. During the time you were there how many shifts worked in the tunnel during the course of one 24 hour period?

A At first there were only a few prisoners there and we worked one shift a day. As we were thousands there and the V-1 and V-2 were in production we had two shifts a day.

Q What was the length of hours of each shift?

A All together with the roll call 12 hours.

Q What hunks did these shifts occupy in the tunnel?

A As one shift finished work to come back out of the tunnels, was relieved

by the second shift and they slept in the same beds as the second shift had been in already.

Q Did this work go on day and night during these two shifts--this work in the tunnels?

A Yes.

Q Was there blasting both day and night?

A Yes.

Q What effect did these blastings have on the sleep and comfort of the prisoners?

A As we laid in our beds these blastings took place. The whole tunnel shook like an earthquake and the dust which followed came into the blocks and our bunks so as we got all this dirt and dust in our lungs. When we woke up mornings we could not open our eyes because dust was laying in our eyes and filled them up and in these tunnels the air was so warm that one came in perspiration in bed. No baths, nothing to be done for anybody, simply as we went to work we went to bed and we went to work the next morning.

Q Mr. Jay, what type safety devices did they have in the tunnel for the protection of the workers?

A Only when blastings were taking place the rocks were first bored or drilled, the explosives were put in this hole and just before the explosion took place a trumpet was blown and we were to clear within 50 yards of the explosion. We were in our blocks--we had to remain in block. We were no 50 meters from the blastings because the wall I built in the front of the blocks was blown down by the blastings by stones going against the walls. Also part of the stones fell in the bunks themselves.

Q Were there any accidents as a result of these blastings?

A I know one accident that happened at Dora during these blastings.

(Jay-redirect)

pld-12-7

Q What was that Mr. Jay?

A This was when they were boring a hole through the rock to the top to get air through to make an air shaft to the tunnels. There were prisoners working from the bottom doing borings for the blasting and doing the work up and up th top of the hill in the woods were working the civilians working down from the top. As this was pretty well up from the bottom the people up top have blasted. They didn't think how far they were together as they were getting near together the blasting took place and everything went down to the bottom and the prisoners working at the bottom were simply buried. A few were rescued and a few were dead. That is all, sir.

Q When you were testifying against the outcamp Wieda I believe you said it consisted also of Osterhagen, Nixei and Mackenrode. You said that the food and clothing was poorer there than at Dora?

A Yes.

Q In order to facilitate the examination I asked you to tell me whether it was better or worse than Dora. You answer was that these outcamps were a hundred percent better. I would like you to explain what you meant by that answer?

A We were so used to bad food, no clothes and other conditions, but the main thing was for us that we had the German Luftwaffe as guards who were gentlemen for us. No beatings took place. They done their best for us. The camp leader got cigarettes for us and the main thing was a prisoner was a cigarette was as good as a meal. That is why I mentioned---

Q Mr. Jay, did you have more clothing at Wieda or less clothing than you had at Dora?

A Less clothing sir.

Q Your food?

A Very bad, sir.

Q Medical supplies?

(Jay-redirect)

A None at all, sir. Only paper baddages.

Q I would like you to explain a few terms Mr. Jay. You used the term "Bunker" in your testimony. Will you tell the court what a Bunker is?

A A bunker is a close arrest cell.

Q What did the camp authorities consider sabotage?

A Well the Russians were professionals at making rings with aluminum or anyone wanted to repair shoes a little bit or leather or rope for their waist to tie their clothes up. We had no braces. Several things. Taking parts of the V-1 or V-2 to be used for their own purposes. It was forbidden for a prisoner to use any part of a V-1 or V-2 for his own purpose.

Q What was the penalty for sabotage?

A Death.

PRESIDENT: The court will recess for 20 minutes.

(Where upon the court recessed for 20 minutes at 1000 hours.)

(Thereupon the court reconvened at 1115 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all the members of the court; all personnel of the defense and the prosecution; all of the accused, the reporter and interpreters are present.

The witness, Jay, I think was on redirect examination at the end of the last session.

PRESIDENT: The witness is reminded that he is still under oath.

DEFENSE COUNSEL: If the court please, couldn't an announcement be made in court that any witnesses who may be in the court room should be removed?

PRESIDENT: If there are any witnesses among the spectators in this court room, who will be witnesses in this case, they will leave the court room now.

CECIL JAY, called as a witness for the prosecution, being reminded that he was still under oath, continued to testify as follows:

REDIRECT EXAMINATION (CONTINUED)

BY LT. COL. CLAYTON HOLLAND:

Q. Mr. Jay, you named one of the offenses included in the term of sabotage as that of inmates taking parts of V-1 and V-2 bombs.

A Yes, sir.

Q Will you tell me exactly what you meant by that answer?

A I meant scrap, sir. I didn't mean V-1 itself or actual parts. I meant parts picked up from the floor from which the prisoners made rings or whatever they wanted to use it for. Scrap.

PROSECUTION: The prosecution has no further questions. Does the defense wish to recross examine

RECROSS EXAMINATION

QUESTIONS BY CAPTAIN STRADER:

Q Mr. Jay, why were you a prisoner in a concentration camp?

A May I explain?

Q Yes.

A I was in occupation of Germany from 1926 to 1929 to Wiesbaden after the last great war, and I fell in love with a German girl and married her in 1927. We evacuated the Rhine Army in 1929. My wife and two children went with me. We remained for five years in England as my time in the Army was finished in 1931. I worked as a civilian in England until 1934. Owing to my wife's mother being very ill in Germany we returned here and have remained ever since. We were registere by the British Consulate at Hamburg. I had to pay every year fifteen marks to remain in Germany as guests. I was in possession of a Family Passport. This was destroyed in Buchenwald. That is all.

Q You haven't answered my question. Why were you put into a concentration camp?

A I worked in Germany for five years in a carving shop on a machine and I was fetched away from there on the 11th of September 1939 to be interned, the reason being I never had anything to do with the Nazi Party. I never raised my hand and I was always told to remain as an Englishman and not as a German. It was a small village. My wife knew the Burgomeister. My wife

worked for him five years before she married me. He told us I had to move up until such time I was arrested. I was arrested and taken to Buchenwald straight away to be interned.

Q In reference to Master Sergeant Jacobi, did you become acquainted with him at Buchenwald?

A He was in charge of the work shop at Buchenwald.

Q Did you work for him at Buchenwald?

A Yes.

Q How did he treat you at Buchenwald personally?

A He personally very well.

Q How did he personally treat you at Dora?

A Quite well.

Q Did he ever beat or abuse you yourself?

A Personally, no, sir.

Q Were you in charge of the prisoners who were building the beds in this tunnel?

A I was given a foreman's band on my arm because I could speak German, Jacobi knows this and I had nationalists under me eight different nations who couldn't speak German. It was senseless to put a person in charge of a place like that who didn't know his trade and couldn't ask in German what he wanted.

Q Did you ever receive a bonus in the form of extra rations of any sort for doing good work in the tunnels ?

A In the tunnels? No, sir.

Q Who was Jacobi's superior officer at Dora?

A I don't know, sir.

Jay-Recross

Q Was he the highest ranking SS man at Dora when you first arrived?

A He was the first SS man I saw in Dora, sir, officer.

Q What was his rank?

A Obersch. fuehrer.

Q Do you consider that an officer?

A For us they were officers. In the camp there were guards and all the rest, block leaders. SS men were all officers. We never got orders from the guards. We got orders from the SS officials themselves.

Q Were there any civilians working in these tunnels during the time that the prisoners were living in the tunnels?

A Yes, sir.

Q How many?

A Hundreds.

Q Hundred or hundreds?

A Hundreds.

Q How many?

A I couldn't say, sir.

Q How many men slept in those beds?

A 2,500.

Q But you can't recall the number of civilians that were working in the tunnels?

A I know for certain there were 2,500 prisoners there. The civilians were separated working out for themselves, working here or there. One here and one there; in charge of V-1 and V-2. I had no contact with civilians, sir.

Ja.-Reames

Q They were German civilians?

A Yes, sir.

Q They were subject to the same conditions that the prisoners were?

A Oh, no, sir.

Q What difference was there for them?

A They did eight hours work and went home, sir.

Q While they were in the tunnels they had to go through the same conditions that the prisoners did so far as air and light and heat?

A With the prisoners the same circumstances as the civilians--there were no deaths, sir.

CAPTAIN STRADER: I would like for the witness to be instructed to answer the question.

THE WITNESS: I have answered the question, sir.

CAPTAIN STRADER: You answered by making another statement.

PRESIDENT: Will the reporter read the last question and answer, please?

(Whereupon the reporter repeated the last question and answer.)

PRESIDENT: The answer will stand.

QUESTIONS BY CAPTAIN STRADER:

Q Who were these civilians working for?

A Several firms. I know a few, Gehlen, VIFO, short name; there was Hochtief and several other firms, sir. Also in the tunnels were working Junkers Works.

Q In other words, the construction inside these tunnels was the responsibility of civilian construction companies?

A Yes, sir.

Q Do you think that Jacobi could have done anything to improve the conditions in these tunnels?

A That wasn't for Jacobi. That was for the higher SS people in the camp in charge of the prisoners. Jacobi for certain had officers over him.

Do you happen to know who they were?

A Well, they changed so often, sir.

Q Are any of them here in this room?

A They are all by the same rank I think, sir.

DEFENSE COUNSEL: The answer is not responsive to the question.

PRESIDENT: Are you requesting a Yes or No answer?

DEFENSE COUNSEL: Yes, sir.

PRESIDENT: Will the reporter repeat the question and answer?

(Thereupon the reporter repeated the last question and answer.)

DEFENSE COUNSEL: Perhaps if I reword the question, sir. Are any of those supervisory officers present in this room now?

THE WITNESS: As regards Jacobi, no, sir.

BY [illegible] DEFENSE COUNSEL:

Q You will recall in your direct testimony that you told us a story of bodies being found in the quarters under the beds?

A Yes, sir.

Jay-Recross

Q How many bodies did you see?

A Four I saw myself, sir.

Q And what did you say was the reason for the bodies having gotten there?

A I said perhaps they tried to escape or fell through the floor boards during the dark or something like that. They were there anyway, sir.

Q When were these beds taken down?

A End of March, April, May, these months, sir. In the barracks outside as the main barracks were built the main prisoners came out of the tunnels. When the tunnel was empty the beds were taken to pieces and taken out then the V-1's were constructed in these tunnels.

Q And that was in what year that the beds were taken down?

A 1944.

Q Now, to get to the story in regard to the roll call square. You stated that there were times when you had to remain six hours on the roll call place.

A Yes, sir.

Q How many times did that occur?

A Well, that is rather hard to say, sir. I was in Dora one year and I made a roll call every day, sir. When a prisoner was missing we had to stand there until he was found.

Q Did it happen once a week?

A That I can't say, sir. It happened during the time I was in Dora.

Q It is absolutely impossible for you to estimate any number?

A Yes, sir.

Q Were there many times when you only had to remain there 30 minutes?

A That never happened, sir.

Q While you were in the tunnels did you ever receive anything besides coffee to drink?

A No, sir.

Q You spent some time at a sub-camp called Wieda?

A Yes, sir.

Q Can you tell us the dates a proximately?

A We left Dora about the middle of August, I can't say exactly. We reached there-- it was on a Sunday I know and I being a carpenter was attached to Wieda but went to Mackenrode, Nixei, and Osterhagen to build barracks.

Q Do you recognize among the accused here anyone who was at Wieda while you were there?

A No, sir.

Q You have given testimony in regard to the accused, Helbig?

A Yes, sir.

Q You stated that Helbig was in charge of the Supply Room.

A Clothing store, sir.

Q Clothing only?

A Clothing only, sir.

Q Was he the one who handed out the clothes?

A No, sir.

Q What did he do in connection with the clothing?

A I think he must have ordered all the clothing at

Buchenwald; he had the clerical part of the work; he had charge of the whole clothing store, sir. Under his was another SS man and a capo and the prisoners working in the clothing store.

Q ..ho was over him?

A Who was over Helbig? It was the camp commander, sir.

Q Do you know"

A It must have been sir.

Q I didn't ask you that. Do you know who was over Helbig?

A I can only say that all SS men in the camp were under the camp commander.

Q Did you know the accused, Helbig, at Dora?

A Not while I was at Dora, sir.

Q When did you first see him?

PROSECUTION: I think this has been gone over several times, may it please the court.

PRESIDENT: The court is inclined to agree with the prosecution that this has been gone into quite thoroughly already.

DEFENSE COUNSEL: We will discontinue this line of questioning.

QUESTIONS BY CAPTAIN STRADER:

Q In regard to the shooting of these men or certain men in a quarry?

A Yes, sir?

Q You stated that you were standing on an elevation in the camp, something of that nature.

PROSECUTION: I think he has been examined on this repeatedly. He said he was on a hill and couldn't see what took place.

PRESIDENT: If the defense counsel is leading up to something that has not already been brought out before the court he may continue, but if this is simply going over what has already happened before the court we do not care to hear it.

CAPTAIN STEGANT: No further questions.

MISS CARTON: Nothing further by the prosecution.

EXAMINATION BY COURT

BY STIPULATION IT WAS AGREED:

Q Which one of the tunnels was it in which you saw the bodies floating?

(Whereupon the witness was told to refer to Prosecution's Exhibit 26.)

PROSECUTION: Stand back so you can use this pointer.

THE WITNESS: A-2.

BY STIPULATION IT WAS AGREED BY COURT:

Q Is that one of the tunnels where the men slept on the floor while the beds were being constructed?

A No, sir.

Q Was there water on the floor in all the tunnels?

A A very small amount when we built the beds, sir.

Q So that it was possible before the beds were built for the prisoners to sleep on the floor of the tunnel without sleeping in water?

A It was possible but no prisoners came to this part of the tunnels until it was finished, sir. They slept here. (Indicating) They slept in the tunnels in the corner, sir, until such time as the beds were built.

PRESIDENT: No further questions by the court.

PROSECUTION: Shall we indicate for the record that the witness was referring to Prosecution's Exhibit P-23?

PRESIDENT: Yes.

PROSECUTION: The witness has been here a long time and I ask the permission of the defense that he be permanently excused. If the situation should develop that he might be wanted he can be very readily brought back.

DEFENSE COUNSEL: The defense does not anticipate recalling the witness at this time, and on the understanding that he could be called again, he can be recalled readily, we are perfectly willing that he be excused at this time.

PROSECUTION: I had no trouble getting him, but I don't like to see myself put in the position of being his keeper. He is here with his wife and I feel morally certain he would readily return.

PRESIDENT: Mr. Jay, in the event your presence should be required further at this trial, could you come back?

THE WITNESS: Yes, sir. Anytime.

PRESIDENT: Very well, the witness may then be excused permanently.

(Thereupon the witness was excused and withdrew.)

PROSECUTION: The prosecution calls as its next witness, Josef Ackermann.

JOSEF ACKERMANN, called as a witness for the prosecution, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q What is your full name?

A Josef Ackermann.

And where do you live, Mr. Ackermann?

A In Munich.

And what is your occupation?

A I am manager or director of the City Information and Industry Office.

And your age, please?

A 31 years of age.

What is your nationality?

A German.

And have you at any time been a prisoner in a concentration camp?

A I was in the camps Dachau, Buchenwald and Dora.

When were you first put into a concentration camp?

A 1933 I was arrested and was sent to the concentration camp in Dachau in 1934 in spring. In fall 1934 I was released from the concentration camp Dachau. Between the years of 1934 and 1939 I was aprehended four times.

By whom?

A Gestapo office, Munich. During the years 1939-1945 I was in concentration camps Buchenwald and Dora.

When did you come to Dora?

A 4th of January, 194[illegible] I was transferred from Buchenwald to Dora and I remained in Dora until the end, April, 194[illegible].

And who did you go after you left Dora?

A I occuped during the evacuation and remained in Ellrigerode where I worked for the OTC.

Ackermann-Direct

Q Did you go on a transport towards the end from Dora?

A I was on the last transport that left Dora.

Q How long were you on that transport before you escaped?

A On the fourth day of the transport I escaped at night in Ocka.

Q What type of prisoner were you?

A I was a political prisoner.

PRESIDENT: The court will recess until 1330 hours.

(Thereupon the court at 1300 hours recessed until 1330 hours.)

AFTERNOON SESSION

(Whereupon the court reconvened at 1330 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Will the record indicate that all members of the court, all the personnel of the prosecution and defense, all of the accused, the reporter and interpreter are present.

The witness Josef Ackermann was on the stand under direct examination at the end of the last session.

PRESIDENT: The witness is reminded that he is still under oath.

JOSEF ACKERMANN, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, testified further through an interpreter as follows:

DIRECT EXAMINATION (Cont'd)

QUESTIONS BY PROSECUTION (continued):

Q Herr Ackermann, at the end of the last session you were asked a question which you didn't have time to answer, and I will repeat the question. Will you tell the court in detail just what duties you performed at Dora from the time you arrived until the time you went on the transport?

A During the entire time that I was imprisoned at Dora I was the reporter for the doctor. In this capacity I wrote all the reports of the doctor and wrote all the correspondence of the doctor. Originally I was in the garrison doctor's office, the SS; then, as the doctor changed the locality of where he worked to the prisoners dispensary, I went with him. During the time that I was the reporter or the clerk for the doctor in the troop dispensary I was formally given the title of capo because I was in charge of 10 prisoners, which consisted of one detail that I had to lead through the gates. When I arrived in Dora on the 4th of January I had an opportunity to see the entire camp and also the entire day, from 8 till 6, I was in the tunnel. I saw the worst slavery and the worst mistreatments that has ever existed within the knowledge of humanity.

Q Now, Doctor, I do not want you to describe now what you saw, but

limit yourself to a statement of your duties. Have you anything to add about the duties you performed?

A My duties have been described generally, what I have said before.

Q Now, did you in the course of your duties become familiar with statistics dealing with the death rate in Dora and the subcamps of Dora?

A Yes. In the course of my duties in Dora I had to register all the deaths that occurred and during the first 6 to 8 months there I had to look or view all the deaths and all the people who were injured and to make a report about these people and a so-called death report about the people who were killed.

Q Now, when you speak about the fact that you had to look at the "deaths," do you mean by that you had to look at the bodies of the dead people?

A The bodies, the dead bodies, with the exception of those who were executed.

Q Who made the reports of the executions?

A The reports about the executions were made by the political department. The prisoners dispensary had nothing whatsoever to do with those executions -- were not permitted to participate in them at all.

Q About how many executions do you estimate or do you know took place in Dora and the subcamps of Dora while you were a prisoner there?

A I don't believe that any prisoner would be in a position to determine the exact number of prisoners who were hung or who were shot to death. There were days when almost 60 prisoners were hung in one day.

Q For what?

A In detail we were not given the reason but in general it was said to be sabotage.

Q Now, you mentioned 60 being hung in one day. Can you tell the court of any other hangings that you know about?

A Almost every second or third day at various times there were hangings, sometimes two or three, sometimes eight or ten, and sometimes over fifteen or twenty.

Q Did you ever see any of those hangings yourself?

A From my window on several occasions I watched hangings.

Q Could you see who did the hanging -- who the hangman was?

A Yes, on those occasions where I watched in most cases it was the prisoner Killian.

Q Would you know Killian if you saw him again?

A I presume that I would recognize this gallows face any time that I saw it.

Q Would you look around the room and if you see Killian point him out to the court?

A I don't have my glasses here to see far away but I hope that nevertheless it will be possible.

PROSECUTION: I assume he has permission, may it please the court, to approach the prisoners as close as necessary.

PRESIDENT: He has.

Q You can walk around in the room.

A I would be very much surprised if I make a mistake if I say it is Number 10.

Q Well, Doctor, it is up to you to say.

A After two years it is quite difficult to pick out a man among all these faces which seem quite similar.

Q Where are your glasses?

A I don't have the right glasses with me.

PROSECUTION: Well, Doctor, take your seat again. We will try it again after you have your glasses.

Q Now, you mentioned, Mr. Ackermann, that in the course of your duties you visited the tunnels. What other departments of the camp did your duties take you to or did your duties put you in contact with?

A During the execution of my duties I came to all parts of the camp and to all parts of the tunnels.

Q Will you name some of the sections of the camp that your duties brought you in contact with?

A I was able to see all parts of the so-called SS camp and I saw all parts of the camp Dora, the prisoners' camp, and I had a pass in accordance with which I could visit all parts of the tunnels.

Q Did you have occasion to visit the clothing supply room?

A Do you mean with that where the prisoners were clothed?

Q Yes.

A Yes.

Q Did you have occasion to visit the prisoners' kitchen?

A Yes, I repeatedly saw the kitchen and was there.

Q Did you have occasion to visit the bunker?

A No, because this was part of the Gestapo and we didn't have the right to go to this part.

Q What exactly was the bunker?

A The bunker was the place where the prisoners were kept in confinement, where they were kept in individual cells.

Q Who was in charge of that bunker?

A The supervision was under SS Staff Sergeant Sanders.

Q For what offenses were prisoners confined to the bunker?

A They were confined for anything that an SS officer or an SS Sergeant declared was incorrect.

Q Now, Mr. Ackermann, will you tell the court exactly what the food ration of the prisoners in Dora was, insofar as you know, and the subcamps of Dora -- what it consited of?

A I can not remember the exact calories or grams of the individual foods, but I believe I will be able to give you a picture of it. The food in Dora was insufficient but it was not insufficient to such an extent that

one could explain the physical conditions alone of the prisoners from this circumstance.

Q To what extent did the insufficient food, in your experience, contribute to the physical condition of the prisoners as it turned out to be?

DEFENSE COUNSEL: If the court please, I would like to object to that on the grounds that insufficient foundation has been laid. The question calls for apparently expert testimony on the part of the witness, and he has not been so qualified, to my knowledge.

PROSECUTION: The witness stated that the insufficiency of the food alone wouldn't describe or explain the condition of the prisoners. My question was directed to ascertain to what extent the insufficiency of the food would explain the condition of the prisoners.

DEFENSE COUNSEL: If the court please, that calls for expert testimony on the part of the witness, and there has been no foundation laid to show that he is a dietician or even a doctor of medicine, as far as I know, or in any way qualified to tell what the physical conditions were due to or if they were due to the insufficiency of the diet.

PROSECUTION: I will withdraw the question.

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PROSECUTION: I will withdraw the question.

Q Let us leave the question of the food for a minute, Mr. Ackermann, and will you describe to the court the physical condition and physical appearance of the prisoners as you saw it to be?

A The physical condition of most of the prisoners--one could almost say 90 percent of the prisoners--was so bad that they were so badly emaciated that the bones were showing. A large part of the prisoners were suffering on their legs, which was due to the insufficient amount of the bad shoes that the prisoners were wearing, and through the long period of standing during the 12-hour work period. The bad physical condition of the prisoners may be judged from the fact that even though they didn't have any disease, or that they were not actually ill, that they were so weak and in such a weakened condition that they were unable to do any work. The physical condition may be further judged, and was to such an extent that many of the prisoners on the way to work and on the way from work collapsed and died. The autopsy of the bodies did not show any disease, but it showed a complete weakness of the body. Perhaps it could be illustrated the best way through the fact that we once made an official report to Berlin, and through this official report we established that the prisoners only didn't have to work 12 hours a day after they had day and night shifts, but they furthermore had hours on the way to work and on the way from work, and then subsequently a roll call which lasted for hours, so that for instance in the case of Nordhausen determined that the prisoners, first of all, at half past eleven arrived at their blocks and then received the first warm meal, so at the earliest they didn't get to bed until 12:30 at night, and at 1 or 2:30 in the morning they were called again so that these prisoners in the branch camp of Nordhausen actually had a sleeping time of two to two and a half hours. And in connection with the insufficient food, a complete exhaustion resulted. We made a written report about this to Berlin and requested that the working period would be shortened, but this request was never approved.

Q Now, this condition and these hours of sleep which you have described were with respect to Nordhausen. What can you say about those conditions with respect to Dora itself?

A In Dora these long ways of march fro and to the work did not exist, but nevertheless they also had to work 12 hours a day and they had roll calls which also lasted about two hours, and they were not quite as exhausted as a consequence of this as the others in the outcamps, but they were only skin and bones when they were dead. When a layman makes a picture that a prisoner for 8 to 10 years never sees an egg, never saw butter, never saw meat, never saw milk--

Q Well, did the prisoners at Dora ever get an egg for themselves?

A It is not known to me for my entire time of captivity in Dachau, Buchenwald, and so on that an egg was ever distributed to the prisoners.

Q Let's talk about Dora.

A I can never remember that I legally attained an egg in Dora. On several occasions I stole some.

Q Was milk ever given to the prisoners?

A I cannot remember that the prisoners officially received milk. May I add this, in the dispensary--in the prisoners' dispensary we received a small quantity of milk to give to those people who were severely ill, a small--a very small quantity every day.

Q Did you ever get meat at any time while you were at Dora?

A The meat was allegedly put through a sieve and then placed in the soup--this general soup which we received, but we were not able to control whether this meat actually got into the soup or into the stomachs of the SS people. It could have happened on very rare occasions that very small pieces of meat--bad beef was put into the soup, but that was on very rare occasions.

Q What did the meals consist of. Tell the court the hours of the meals and just what each meal consisted of and its content.

A In the morning a so-called coffee was distributed.

Q How much?

A Everybody received a pitful of coffee. It could have been a quarter of a liter, or it could have been even a half a liter. The word "coffee" is misleading because it had nothing whatsoever to do with coffee. It was a so-called best substitution was bare and warm, and it was exactly the same without milk and sugar as we receive here as witnesses in the witness box, even though one is requested to turn in their sugar ration stamps. In addition to this we received daily one piece of bread and we received, which we today even as witnesses of the American Occupation Forces do not receive in the witness box, 20 grams of margarine. I must state here that the chef of the kitchen here at the witness box has told me that he officially only is allowed to issue 5 grams of margarine daily.

Q We only speak about the food in Ora.

A I just wanted to show here that everything here is only relative in life. I just wanted to say that at noon there we received soup which consisted of turnips, various kinds of turnips, or once in a while it was a potato soup, but the soup itself had no body. There was no contents to it. I just wanted to point out that this soup had no nourishment value. The turnips consist of cellulose, and it doesn't have any nourishment value--nourishment content, but I must state that the prisoners, as well as the SS people tried their best to get a taste into this contentless soup. The former prisoners were reminded of this because the food that we got in the witness box has less taste than what we got in Ora.

PRESIDENT: The witness is reminded that the food in the witness box is not concerned in this case. Confine himself to the food in Ora.

THE WITNESS: I just want to point out with this that there was not any nourishment value in this food. And the food in the evening consisted of a salad which was made of yellow turnips, or some other kind of vegetable, and we often warned the prisoners not to eat that evening, and because it was detrimental to their health.

(Ackermann-Direct)

QUESTIONS BY PROSECUTION:

Q Why?

A This so-called salad was sometimes spoiled. It was prepared in factories in large barrels somewhere in Germany, and it sometimes took several weeks for it to arrive in the camp. The same thing occurred with the sausage. In most cases the sausage was bad and was spoiled. It was not a regular occurrence, perhaps once a week we received this sausage. It was a so-called horse meat sausage, and the only thing that we received regularly, and which perhaps had some nourishment value was perhaps the 20 grams of margarine which we received daily. The bread ration varied. Sometimes we received one-third of a bread. At other times we received less than this. We got smaller amounts of bread. It all depended how the deliveries of bread occurred.

Q Now, was that the food ration at the beginning of your service in Dora, or did that food ration continue throughout your service in Dora.

A This kind of rations were the kind that we received during the entire time that I was in Dora.

Q And was that the ration that was handed to all the prisoners, I mean those outside the ones in the hospital, or were there differences in rations?

A There were individual sections in the tunnels which received additional rations, a so-called hard labor ration, but this additional ration only consisted that they got a little more bread, a little more margarine, and if there was sausage, that they got a little more sausage.

Q Can you tell how much more bread and how much more margarine?

A I can't state it exactly, but it was perhaps one-third more than the other prisoners. I would like to state that there were individual prisoners--individual prisoners who had privileged positions, who were able to organize additional food, perhaps that they got something from the

prisoners' hospital building where they were able to get some food, but this prisoner category is only a very small percentage as compared to the overall amount of prisoners there.

Q Now, was this ration which you have described the ration that was authorized, or was it the ration actually received?

A There was a prescribed amount for the kitchen. In this prescription--in this directive, it was so and so many grams of fat, so and so many grams of meat were to be distributed to the prisoners during the week. This theoretical problem, however, could not be carried through, but at least it could not be controlled.

Q My question, Mr. Ackermann, was, this, was the food as it actually was prepared in the kitchen--did that food reach the prisoners always?

A In most instances the prisoners received all the food that was prepared in the kitchen, but in individual cases there were capos who didn't have any conscience, who took some of this food away on the side, and the prisoners received only less than he was originally supposed to receive.

Q Now, Mr. Ackermann, you said also that your duties took you towards the prisoner supply department. Will you describe to the court the clothing issued to the prisoners in Dora while you were there confined?

A The prisoners individually--there were, of course, individual exceptions, but in general, the prisoners received--

DR. [illegible]: If it please the court, the witness should be instructed to state the limiting dates about which he was talking. Let's fix the time.

PROSECUTION: My question was the time he was confined at Dora.

THE WITNESS: During the time that I was in Dora I repeatedly had something to do at the supply department, and I saw the distribution of clothing to the prisoners. Furthermore, hundreds of prisoners came daily to the prisoners' dispensary for treatment, and during these occasions

I was able to determine that the most of the prisoners had wooden shoes, that they were barefooted within those wooden shoes, that they had clothing which was absolutely insufficient for this cold time of year.

(WITNESS IN PROSECUTION.)

Q Let's describe the clothing. During that season of the year did they have these wooden shoes you were talking about?

A Those wooden shoes they had in summer as well as in winter, and in the deepest winter.

Q How were they kept on the foot?

A They were kept on the foot in that the prisoner took a piece of rope or a piece of wire and bound it around his foot, otherwise, he would have lost the shoes.

Q Now, you said they had no stockings at all. Was this true irrespective of the season of the year?

A During the deepest winter and during the greatest cold I saw many prisoners who didn't have any socks or stockings whatsoever.

Q Let's switch now to the warmer weather. During the warmer season, what kind of underclothing did they have?

A During the warmer times of the year as well as the colder times of the year in most cases they didn't have any underclothing whatsoever. They only wore a shirt.

Q And in addition to the shirt, what did they have to cover themselves with?

A They had a shirt, a pair of pants and a jacket.

Q What material was the pants made out of?

A The pants and the jacket--their summer clothing was made out of twill, and in winter it was a substitute material which was made of wooden threads. This material was even thinner--one could look through it, and it did not protect one from the cold.

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Q What clothing or other protection did the prisoners have against rain or snow?

A There were some of the prisoners who were able to obtain a coat, but also this coat was of this porous wooden material, and he had to freeze if he had to stand on the roll call field for hours in the cold.

Q Now, now long did the prisoners, on the basis of our knowledge, stand on the roll call place in the winter time?

A It depended upon how long this roll call took place. If it went very quickly, the roll call was over inside of a half an hour to three-quarters of an hour, but it could take as long as two and a half or even three hours.

Q Did it ever take two and a half to three hours in the winter time?

A Oh, yes. Yes, I can very well remember that it often took longer than two and a half hours.

Q What made it take so long?

A Because the prisoners had to be counted individually. It was not only the prisoners who were standing on the roll call field, but every prisoner had to be accounted for if they were working some place else. If the prisoners were some place else, these figures had to be exact, and it often happened that the figures did not coincide.

(Ackermann-Direct)

pM-16-1

Q You said, Herr Ackermann, that some of the prisoners had as protection against rain and snow this coat made of this wooden material. What protection against the rain and the snow did the other prisoners have who did not have such equipment?

A The other prisoners had no protection.

Q How often would a prisoner receive a new supply of clothing or a new pair of shoes or a new pair of pants?

A If a prisoner had good connections with somebody who was in this clothing room or he had a good friend who was working there then it was possible for him to often get new things, but the average prisoner had to be lucky if he managed to pick a good day that the SSman who was working there in the clothing store would give him something new.

I was repeatedly a witness that a prisoner came and said, "Please give me a new suit or at least give me one that has been mended. You see here, my suit needs to be mended. The rain and the snow comes through.", and as a reply he said, "Mend it yourself. We have nothing new here."

The post surgeon wrote repeatedly to the administration requesting that better clothing be issued to the prisoners. I wrote these letters myself. The reply was, in every case, "We have nothing." In April, 1945 when the evacuation March was to begin this clothing warehouse was opened and there it was established that the entire clothing store was covered with thousands of new suits with thousands of new shoes and it would have been possible to clothe these prisoners for entire years.

I give an example: In the outcamp of Ellrich in the summer of 1944 we complained that the prisoners there did not have an opportunity to change shirts for three and a half months. The prisoner's doctor was able to prove that these shirts were full of lice and other kinds of vermin. The post surgeon emphasized the fact that if this condition continued and they did not receive new shirts that there was danger of an epidemic breaking out.

...s the camp was evacuated then it was established that so many shirts existed and that there was so much underwear present that they could have changed regularly.

Q Herr Ackermann, will you describe to the court the facilities available to the prisoners for washing the clothing that they had?

A The prisoners were absolutely forbidden to wash any underwear and no soap was distributed to them for this purpose. From January, 1944 until April, 1945 I was never issued any soap whatsoever.

Q How did you wash your clothing during that period then?

A Well I had them washed in that I gave somebody else this laundry to wash and gave them a piece of bread or that I sent it to the laundry. I was able to do this because we were a privileged detail. The doctor had been able to see to it that the prisoners who worked in his detail were able to have their laundry washed because they were always supposed to look neat and clean.

Q How often from January, 1944 to April, 1945 were you able to have your clothes washed by any means available to you?

A The prisoners who were in the prisoner's dispensary could have their laundry washed every 8 days in the normal course of events.

Q I mean to ask not you personally, but the average prisoners in the camp. Not the privileged prisoners, but the average prisoners.

A I can't give you an exact detail about this, but I know that the prisoners complained about this repeatedly. They had pieces of black rags on their bodies and I knew that officially the Ellrich camp leader in that camp stated that for three months they hadn't had an opportunity to change their shirts and hadn't had an opportunity to wash their things.

Q Tell the court, or describe to the court the general sanitary conditions and facilities available to the average prisoners? How often could they wash themselves or bathe themselves. Also, what toilet facilities were available to them?

pld-16-3

A In the beginning it was absolutely hopeless. When, on the fourth of January I arrived there, there were no sanitary installations whatsoever. The entire tunnel, where already thousands of prisoners were working had not one toilet and there was not one single opportunity or place for washing. The prisoners took care of their needs where they were standing and the excrement was distributed throughout the entire tunnel. The prisoner's faces were covered with a very thick calcium dust because there was an awful lot of calcium dust within this tunnel. They had no opportunity whatsoever to wash in this tunnel and they finally found this way out--that they urinated upon their hands and then washed themselves. The sleeping conditions that they had down there in the tunnels--the prisoners didn't come up into the air for weeks--were terrible.

In a very large stone chamber which had been dynamited out thousands of prisoners slept on four tiers, in beds of four tiers. These straw sacks never became cold. When the one prisoner got up to go to his work the prisoner who had just come from work waited to get into the same bed filled with lice and to cover himself with the same vermin infested blanket. The beds were covered with vermin. There were millions and millions of lice.

During the excavation work the entire mountain shook and the dust which was hanging on the roof fell into the faces of the prisoners. From the walls water was just running down. It very often happened that a piece of wall fell down and fell on top of somebody. There wasn't one day that the severest accidents didn't happen.

Q What was the result of these accidents?

A During the blastings pieces of stone were loosened or the prisoners who had to carry heavy loads fell due to their lack of sufficient shoes or they died there or they were severely injured.

Q What kind of work did the prisoners in the tunnels do?

A A part of the prisoners had to participate in the blastings in order to widen the work there. The other part was used for the production of the V weapons and in connection with this there was always physical work required.
(Ackermann-direct)

pld-16-4

Q How were the rocks that were blasted loose by these detonations removed?

A They were moved on the side.

Q By machinery or by hand or how?

A It was all handwork.

Q What was the nationality of the prisoners who were sent to Dora and the subcamps of dora?

A The nationalities of the prisoners were, for the very smallest part, German. Most of the prisoners were foreigners.

During the work statistics that was taken in 1943 it was established that from the entire amount of approximately 50 thousand prisoners only 600 of these prisoners were German. We had prisoners of all nationalities.

Q Just name them Herr Ackermann. Just name the nationalities.

A In the spring of 1944 an order was received from Himmler that Germans and Czechs were not to be sent to Camp Dora any longer. This order was executed and only in very individual cases did some Germans or Czechs come to Dora then. The reason for this order was never stated exactly, but in the sense that this camp was an extermination camp and that the demands upon the persons there were so extreme that whoever got there would never come back.

Q Who was sent there?

A There were Frenchmen, Belgians, Dutch, Czechs. We had one American there as far as I know. Once we took a statistic of all the nationalities and we found that 26 nations were represented.

Q You have mentioned Frenchmen, Belgians, Dutch and one American. Who else?

A We had Poles, Bulgarians, Hungarians, Roumanians. There wasn't anybody who wasn't there.

Q Any Russians?

A We also had Russians and we also had Italians and former prisoners of war.

Q What was the nationality of these prisoners of war?

A The prisoners of war were partly Russians and partly Italians.

Q Did you ever see any French prisoners of war there?

A French prisoners of war I did not see in Dora. At least they were not designated as prisoners of war, but I would have definitely heard about it if there had been some there.

Q Now tell the court what you know about this Negro American that you mentioned?

A I couldn't control this. I couldn't investigate this, but he told me that he was an American flyer who had made an emergency landing in France and then had later been captured and sent to Dora. Then I met several English people who said they were being held there contrary to the laws of land warfare. That they belonged to the Merchan Marine. That they had been torpedoed and that they had been brought there to Dora as prisoners.

Q Now, Herr Ackermann you have described the food, the clothing and sanitary conditions. You have also had something to say about the working conditions in the tunnel. Is there anything you can add to what you said about the working and sleeping conditions in the tunnels

A I would like to give an example: The work detail leader Simon for allegedly lazy and not hard working enough prisoners thought up a punishment which was not exactly original. He placed these prisoner who, in his opinion, were not dilligent enough or in the opinion of the people who were spying for him. He made them stand on a large heap of stones out in the open and made them stand there for day and night. The result was that this man who in the worst clothing, during rain and snow or wind and storm was standing on this stones was delivered after 24 hours to the dispensary suffering and in most cases died the same day.

(Ackermann-direct)

The Post Surgeon, Doctor Kahr, wrote an official letter to the work detail leader in which he forbade him to give this punishment to the prisoners. The work detail leader didn't pay any attention to this prohibition. He declared that he was only subordinate to Berlin and denounced Doctor Kahr to the Berlin office placing him under suspicion that through this prohibition he was sabotaging work of the V weapon. Only the personal intercession for Doctor Kahr by SS Major Feerschner stopped that this type of punishment was given to the prisoners.

Q Would you mind repeating the name of the person who was doing these things that you just described?

A That was SS Work Detail Leader Simon.

Q Would you know Simon if you saw him again?

A Yes, If I had my good glasses here I am sure I would recognize him immediately. I had personally repeatedly had to do something with him and I saw him every day, drunk or not drunk, but mostly drunk.

PRESIDENT: The court will recess for 15 minutes.

(Whereupon at 1458 hours the court recessed.)

(Whereupon the court reconvened at 1515 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all the members of the court, all the personnel of the prosecution and of the defense, all of the accused, the reporter and interpreter are present. The witness, Ackermann, is still on direct examination.

JOSEF ACKERMANN, called as a witness for the prosecution, resumed the stand and being reminded that he was still under oath, testified further through an interpreter as follows:

DIRECT EXAMINATION (CONT'D)

QUESTIONS BY PROSECUTION:

Q Herr Ackermann, shortly before the recess you were telling the court of the report that Dr. Kahr made about this practice of Simon's of having the people stand on the rocks. Will you tell me again why Dr. Kahr made this report?

A He made that report because three prisoners immediately thereafter died on account of pneumonia. They were relatively young prisoners who were in a pretty good physical condition. It was clear that the reason why these prisoners died was that they had to stand in very bad weather for a day and a night out in the open. Dr. Kahr told me personally that he was going to make that report in order to do away with that punishment and this incident was a good reason for making that report.

Q We were talking, Mr. Ackermann, about the labor which the average prisoner at Dora and its sub-camps were compelled to do. Have you any other examples of the type of hard labor which the prisoners had to do?

A They had to do very hard physical labor in all parts there, and the long working hours and the long time that those people had to stand roll call contributed to their physical condition even if they would not have to do any work during the working hours.

Q What was some of the hard work that they had to do?

A To conduct heavy transports.

Q Tell about that.

A I saw prisoners who had to carry heavy rafters, who had to carry heavy railroad tracks.

Q Do you mean the iron part of the railroad or the ties?

A No, rails, and I also mean these boards for the tunnels, these uprights.

Q Was that done by hand work or by machinery?

A That was manual work.

Q Was that quarry in Dora or around Dora?

A Near Dora. Around Dora.

Q What kind of quarry was that?

A I, myself, never saw the quarry. I can only add that in my presence the SS Labor Allocation Leader, Simon, said to a prisoner, "To-morrow you are going to the quarry and you know when that happens you will be dead within a few days."

Q Did he tell him how he was going to die?

A No.

Q Did you know how he would die if he was sent to the quarry?

A That I could not say.

Q That wasn't my question. I said, "Do you know," not "Does he know"?

A I can imagine that he would have to work so hard that he would deteriorate on account of the hard work.

Q Now, what disposition was made of the bodies of prisoners who died at Dora?

A Originally until Spring of 1944, the corpses were sent to Buchenwald and were burned there. From the beginning of approximately August, 1943 until the 4th of January 1944 all corpses from Dora were sent through me to Buchenwald.

Q How many were there?

A Every second day a big wagon full of naked corpses came.

Q From where?

A They came from Dora.

Q What did they die from?

A All these corpses showed signs of exhaustion. In Buchenwald itself they had very hard times, but these corpses created fear among all the prisoners in Buchenwald. Those corpses looked so terribly that in Buchenwald on an average if a prisoner was destined to death because he had stolen bread from somebody those prisoners would be sent to Dora. The transfer to Dora was worse than the death punishment in Buchenwald. We received many corpses who were missing half a head.

Q Let me interrupt for a moment. I don't want to talk about Buchenwald, only about Dora. You said that from August 1943 until January, 1944 the bodies from Dora were sent to Buchenwald for cremation. How many were there?

A On one day there might have been 180 and the next time there might be 200, and sometimes only 140. That happened every other day.

Q Can you give the court an estimate of the total of that period?

A I can only say that every other day and sometimes every third day a wagon full of naked corpses came.

Q Where did these people die?

A These people died in Dora.

Q From what causes?

A I had to perform the autopsies on these corpses.

Q Did you do that yourself? Did you make the autopsies?

A I participated in that. There were several prisoners who conducted autopsies and I was one of them but I was present at every autopsy. The cause of death in most of the cases was collapse. That means a condition of complete exhaustion and resulting in death. Many prisoners apparently had accidents. Arms and legs were missing and apparently those prisoners had had accidents on account of exposure. Also many prisoners showed signs of mistreatment. Mistreatments which must have been created with a heavy club or cudgel.

Q Upon what do you base that statement?

A If a body showed blue signs and if for instance in the back of a prisoner the imprint of a heavy subject could be seen and in addition to that in Buchenwald I got to know many corpses practically who had been killed by beatings.

Q Now, afterwards there came a time, did there not, when the practice of sending corpses to Buchenwald stopped. How were the bodies handled after that time?

A That was discontinued in spring after we had built a crematory for ourselves. From then on the corpses were burned there.

Q Where was this crematory?

A This crematory was near the prisoner hospital or dispensary. The first crematory was a little off to the side down in the valley, whereas the new crematory was built up on a hill.

Q Can you designate by looking at the map, and show the court where these two crematories were?

PROSECUTION: The witness is looking at Prosecution Exhibit P-23.

Take the ruler. Can you see it?

THE WITNESS: Approximately I can see it.

This here was the hospital. (Indicating) The old or first crematory was here a little off to the side to the left here.

PROSECUTION: Showing south of the letter "S" in the word "Hospital".

THE WITNESS: And the new crematory was approximately up here on a hill, and this here (indicating) was the entrance; then you would have to go up here like this and this was the crematory.

QUESTIONS BY PROSECUTION:

Q What was the capacity of this crematory?

A I cannot state exactly what the capacity of the crematory was. Corpses were burned day and night but pretty

seen that capacity was still too small. We had to dig ditches and threw the corpses into these ditches and burned the corpses here in these ditches because the crematory couldn't handle all the corpses that we had. Also in these ditches the fire was going day and night. The smell of the burned corpses could be smelled for quite a distance. The fire there could definitely be seen as far as Salza which was several kilometers away from there. That was the next village.

Q Did your duties bring you in contact with the Post Office. The prisoner's Post Office?

A At times, yes.

Q Tell the court what you saw and observed and learned about the conduct and operation of the Post Office.

A Originally a prisoner was in charge of the Post Office. During this time there were no complaints that the packages had not been turned over to the respective prisoners. This prisoner only distributed packages for which he could not find any recipient any more. He distributed those packages generally.

Q Why couldn't he find the recipients any more?

A Because the prisoner in the meantime had died.

Q What would the prisoners do with these packages?

A He gave those packages to various departments and distributed them among very needy prisoners.

Q What were the conditions of the packages which were being received?

A The condition of the packages varied. The International Red Cross packages were pretty much uniform.

Q What was in them?

A They contained cigarettes, chocolates, jellies, and they contained cans of meat. But this way of handling packages was done away with and the SS Master Sergeant Andrae was put in charge there.

Q Can you give the court, Herr Ackermann, the quantities of material that came into Dora in those Red Cross packages? For example, about how many came in every week?

A There was such a multitude of packages that a special Post Office had to be erected near Nordhausen. Full carloads of packages arrived.

Q For whom were those packages destined?

A These packages were destined for the prisoners and they were addressed to the individual prisoners.

Q Now tell what happened, if anything, when Andrae took charge.

A Practically momentarily with the taking over of the Post Office by Andrae an order was issued supposedly by SS Himmler whereby the packages were not to be turned over to the prisoners any more, supposedly because in a lot of the packages weapons had been found. The camp management announced that the contents of the packages would be used for improvement of the food.

Q Did that order include the cigarettes too? Were they supposed to be used for that purpose?

A We asked ourselves the same question and as a matter of fact we even asked whether they were throwing the oil sardines

into the soup and I also never found chocolate in the soup. It might be possible that part of the dough items, such as noodles, etc. might have found use, but it was very obvious that beginning from that time we saw that every SS Corporal was smoking Camel cigarettes and had chocolates.

Q And where did these Camel cigarettes and this chocolate come from?

A Sometimes we asked, "Do you have a heavy package that your pockets are bulging"? And every SS man took an oath sort of by saying that they were not from the prisoners packages.

Q Did any one of the SS people ever tell you, or did you ever hear them say where they got these Camel cigarettes and chocolates in Germany in 1944 and 1945?

A No, they did not say that. They left themselves open for us to believe that they came from heaven.

Q Who was in charge--I believe you said this special Post Office near Nordhausen was built because of the big volume of red cross packages that came addressed to individual prisoners, is that what you said before?

A That was to be supposed.

Q Who was in charge of the Post Office, particularly in charge of the receipt and distribution of these red cross packages?

A SS Master Sergeant Andrae.

Q Did it ever happen that packages other than red cross packages came addressed to the prisoners?

A Yes, also packages of that kind arrived.

Q From whom would those packages come?

A Maybe they could have been sent by family members of the prisoners or relatives, but the bigger amount of all the packages came from foreign countries.

Q Were you ever present when the prisoners received the packages addressed to them?

A Yes, they received the wrappings and they received the string and had to sign that they received the package.

Q What was inside the string and the wrappings?

A Nothing.

Q Do you know whether or not any complain was ever made by the prisoners that they received this empty package?

A A prisoner would not make a complaint at all if he didn't want to be beaten to death immediately, but it happened that prisoners went to their superiors and asked for some kind of explanation and sort of asked in a very timid way whether they could not have the contents too.

Q What would happen when they did this?

A They were told that an order of Himmler existed and based upon that the packages could not be handed over to them any more.

Q Were they told what was being done with the contents of these packages?

A They were told that it was being generally used in the prisoners' kitchen for the improvement of the prisoners' food.

Q Were you ever present at any time when some prisoner spoke to Andrae about his empty package?

A Yes.

Q What did Andrae say to him?

A The package must not be distributed any more; this was a directive of the camp commandant. May I add to this something? Our camp doctor, Dr. Kurske, officially turned to the post office both by way of written communication as well as verbal. I wrote the letter myself then that at least the packages should be turned over to those prisoners that were sick so by getting the benefit of these good items they could regain their strength again. The withholding of these good things, some of these good and nourishing things, such as chocolate and other things, was equal to killing somebody who was sick.

Q Herr Ackermann, you have told this court that you have seen these quantities of packages and what the packages were, or, what they contained, and you have also testified to the ration, the food, which the prisoners got on the average. Having in mind the rations which the prisoners got on the average, can you tell the court whether or not the receipt of these Red Cross packages would have made any difference in the physical condition of the prisoners?

DEFENSE COUNSEL: Does the prosecution care to withdraw the question?

PROSECUTION: Why? I wouldn't have asked it.

DEFENSE COUNSEL: I wish to object, then, on the grounds that no proper foundation has been laid as to this witness's being qualified to

testify as to what difference in the physical condition any given amount of food would make in a prisoner.

PROSECUTION: A man who has lived, may it please the court, on a concentration camp diet should have a pretty fair idea how much difference it would make to him if he got a Red Cross package or not, and I pray the court's judgment.

PRESIDENT: Do I understand that you have changed your question from a general thing for all prisoners to this witness as an individual? Your comment was not clear.

PROSECUTION: I hadn't changed my question, no, may it please the court. I was simply saying that the individual could tell how it would affect him and on the basis of his vast experience with this camp he could give the court some idea of whether or not it would have made a difference to some of the others.

PRESIDENT: The objection is sustained. The witness will not answer the question.

Q Can you tell the court how often these Red Cross packages would come for the same person? Would he get one a week, one a month, or how often would they come to a prisoner?

A That was not binding with respect to any amount or any period of time. I had in my work detail a French priest, and the whole community where he was from sent packages to him, and it so happened that on one day he received 20 packages.

Q Did he get them or did they just come to Dora?

A That was still at a time when the packages were distributed to the prisoners.

Q Did you have the same ration that the average prisoner got or more or less?

A I personally?

Q Yes.

(ACKERMAN-Direct)

A I had more. And I want to explain why.

Q I don't care why. Would the receipt of one Red Cross package a month have made any appreciable difference to you who was getting better than the average ration?

DEFENSE COUNSEL: Just a minute. I would like to propose an objection on the grounds that the question is general, vague, and not sufficiently clear to the witness. He should state just what he means by "how much difference" -- in what way.

PROSECUTION: Are you speaking for the witness?

DEFENSE COUNSEL: No. I am interposing an objection to the question.

PROSECUTION: I ask the court's judgment. I am asking him whether or not, despite the fact that he had more food than the rest of the prisoners, the receipt of such a package would have made a difference, and certainly he ought to be able to tell that.

PRESIDENT: The objection is overruled. The witness will answer the question.

A May I explain this question on an example? We had friends in the concentration camp which we estimated very highly. They got sick. I personally was six years in the hospital -- I personally worked for six years in the hospital in the concentration camp. We made the experience that in those conditions of exhaustion medicine would not help but only better food for a certain period of time, and we were able to bring people who otherwise would have died back to their strength, plainly on account of additional food.

PROSECUTION: Wait a minute. Would you translate back the answer that was just given?

(Whereupon the interpreter translated the last previous answer into the German language upon the reporter's reading thereof from her notes.)

WITNESS JOSEF ACKERMANN: Yes, this is the answer I make, and by that I want to say ----

DEFENSE COUNSEL: Just a minute. If the court please, I would move that the answer be stricken from the record as it is not responsive to the question.

PROSECUTION: I didn't --- The reason I asked to have it read back was because I didn't think it was correctly answered, and I still don't.

Q Please answer the question, ---

PRESIDENT: Just a minute. There is a ruling of the court to be made in here, I believe.

PROSECUTION: I beg the court's pardon.

PRESIDENT: The motion of the defense is granted and the answer of the witness will be stricken.

Q The question, once more. Would the receipt of a Red Cross package per month have made an appreciable difference in your physical condition even though you were getting more than the average ration?

A According to my experience, yes.

Q Now, Herr Ackermann, you were working in the prisoners' hospital all this time, were you not?

A Yes.

Q Will you describe the general medical facilities available for persons in Dora?

A It differed. In the beginning no provisions were being made for treatment of prisoners. It always depended on the person or what doctor would be present at the moment. When I came to Dora as Captain Dr. Plasa was the doctor in charge. Dr. Plasa used to go out in the evening and return in the morning drunk and by the time evening came around usually he had slept over his drunkenness. We neither had the time nor the capabilities to show interest in the sick people. In January 1944 a single small block had just been furnished as a hospital. This hospital would have been possible in the Middle Ages. The bath consisted of one single wooden bathtub in which the sick people had to take a bath. The other furnishings were

very primitive, and there were no facilities for medical treatment. Only when Dr. Kahr came to the camp in February 1944 the sanitary and hygienic conditions improved. He saw to it that several barracks for sick prisoners were erected and furnished, and he was interested that for example to right a regular medical operation was going on. Nevertheless, all his efforts were very little with respect to success because the health condition in the majority was such that 80 percent of the prisoners would have had to be taken into a hospital. Even though the amount of barracks, of hospital barracks, was increased, only a small part of the prisoners could be admitted.

Q Let me stop you there. What could you do for prisoners who were ill but for whom you had no room in the hospital?

A In the best cases we could prescribe rest for them, which means they did not have to go to work.

Q In what form was this prescription given, or how was this communicated

A If he was admitted it was taken in on the list and if he received rest he received a certificate whereby it was said this prisoner has so many and so many days of rest.

Q Now, do you happen to know whether or not that certificate for so many days of rest was honored or whether the prisoner was compelled to work none the less?

A We had a hard fight to get this certificate on it, but the SS men in the commando -- the sick people returned and stated that in spite of our sick here we had to work.

Q Now, who was responsible for that?

A In the end the camp commandant was responsible for that.

Q Did the labor assignment leader have anything to do with that?

A The labor assignment leader had directly to do with that because this is where the resistance -- the resistance came from him.

Q Who was the labor assignment leader in Dora?

(ACKER Ass't-Direct)

A That was Simon.

Q Now to ahead with your description of the hospital facilities. Did you have the medicine you needed, or what surgical instruments did you have, and so on and so on?

A We had medicines and we had instruments, but in any case the medicines were insufficient. I made out a big requisition list each month. This list was sent to Berlin, and Berlin only sent us a small amount of the requested amount of medicine.

Q Now, going back to the packages a moment. Do you know whether or not any of these packages ever contained medicine?

A Yes, these packages in many cases had -- I would even say practically in ever case they contained medicine.

Q What happened to the medicines in these packages?

A From the beginning we asked that this medicine would be be put to our disposal.

Q Did you get it?

A We received part of the medicine of the packages, but usually that part that was useless. We found out that those medicines that were of any value were not handed over to us.

Q What happened to the usefull medicine?

A That is for Andrae to know.

Q Did you hear anything as to what happened to those medicines?

A No.

Q Was there any rumor or report around the camp as to what happened to those medicines?

A It was generally said that these valuable medicines were being misappropriated -- were sidelined.

Q In what way were they misappropriated? What happened to them?

A That I could not imagine. Maybe these people sold it among the civilian population.

DEFENSE COUNSEL: If the court please, I am going to ask ---

PROSECUTION: I agree.

DEFENSE COUNSEL: I am going to ask that this response be stricken from the record.

PROSECUTION: I am going to ask that only that part that he assumes is to be stricken.

DEFENSE COUNSEL: I am going to ask that the entire answer be stricken as twice removed hearsay and rumor.

PROSECUTION: I will agree that "maybe" on can be stricken.

PRESIDENT: The last answer of the witness will be stricken.

PROSECUTION: May it please the court, I think that what is accepted at the camp generally as true is admissible by this court for such probative value as it might have, but when the witness testifies that it was generally understood or said in the camp that it was misappropriated, that part should be allowed to stand.

Q Did you ever talk to anybody about what happened to these useful medicines?

A No.

Q Now, what facilities were there, Herr Ackermann, by way of nurses to care for these prisoners who were sick?

A You mean male nurses?

Q Well, I assume they didn't have any female nurses.

A We requested male nurses which we to meet the requirements.

Q What doctors and what male nurses did you have at Dora to take care of the sick prisoners?

A In addition to the SS physicians we also had prisoner physicians.

Q How many at Dora?

A That also varied because some left and some new ones came and in the end we received very many prisoner physicians from Auschwitz.

(ACKERMANN-Direct)

Q Did it ever happen that a prisoner physician was not allowed to practice but was compelled to work?

A Yes.

Q Were there any priests or ministers of the church in Dora?

A Few were known to me.

Q Were they allowed to minister to the religious needs of the prisoners?

A It is not known to me that it was permitted.

Q Well, if it was permitted, would you know it?

A I would have definitely gotten knowledge of that.

Q Now, Mr. Ackerman, you said that your hospital was crowded with patients. Did that condition become worse or did it become better towards the end of the camp?

A Of course, it got worse as all the camp conditions got worse on account of the fact that other camps were being evacuated and were being sent to us.

Q Well, what was the condition at that time because of these new arrivals?

A The overcrowding was so big that the sick prisoners had to sleep two and three in one bed; and in spite of the fact that we put more than one together in one bed we only could admit the smallest part of the sick prisoners.

Q Was there also at the same time an SS hospital?

A Yes.

Q How many patients were in the SS hospital?

A In the SS hospital, if the amount was very high, there were at the most 12 to 15 patients.

Q Do you know what the SS population in Dora was?

A I do not know it by heart.

Q What was the capacity of the SS hospital?

A It wasn't very big. It was about three or four the amount mentioned because it was not a permanent hospital.

Q Well, put it in figures, Herr Ackermann. How many beds were in the SS hospital?

A According to my estimate in the SS hospital might have been 40 to 50 beds at the most.

Q Now, there were at the most about 15 patients. Were you allowed to use the excess of 25 beds for prisoners?

A No. I would like to make one more remark to that. We had to put a big amount of prisoners of the hospital in a barrack where we even didn't have beds for them. We had to place them on a floor in one big barrack. There were over 100 very sick prisoners with fever who definitely should have been put in a bed, but we didn't have the beds for them.

Q What care or attention were you able to give these prisoners due to the crowded condition of the beds or due to any other reason?

A We tried to take care of them by a big amount of hospital orderlies, but if I have to place a man with fever on a stone ground, then all the attention doesn't help.

Q Herr Ackermann, were there enough personnel available to attend to these sick prisoners when they needed to relieve themselves?

A No.

Q What would happen because of that fact?

A This you could tell as far as your imagination goes; you could say that many people died on account of that, because there was not enough personnel available as orderlies for the sick people. For example, if a man who has pneumonia has to go out to the toilet, where he can catch another cold, he can probably die.

Q Did it ever happen that the prisoners had to relieve themselves in the bed?

A That happened also.

Q Now, during the course of your duties there, Herr Ackermann, you came in contact with many of the SS personnel on duty at Dora, did you not?

A Yes.

Q Now, would you look around the courtroom and go wherever you think it reasonably necessary and see if you can identify any of these people you met at Dora? If you do, tell the court their names and the positions they held.

A Brinkmann.

PROSECUTION: May the record indicate that the witness identified the accused Brinkmann wearing placard Number 8.

A He was roll call leader.

Q All right, go along.

A This was Braumy.

PROSECUTION: May the record indicate the witness recognized the accused Braumy wearing placard Number 2.

Q What was his job?

A He was something like a roll call leader. He always used to stand at the gate and always had a club in his hands. And here I find my dear friend Detmers. I have nothing to say against him. He once took out his pistol and said, "I am going to bump you off," but he probably was only drunk.

PROSECUTION: Let the record indicate the witness has recognized the accused Detmers wearing placard Number 5.

A Moesser, camp leader. The last memory I have of him was when he marched in front of a transport with a pistol in his hand. He was responsible for the fact that all of a great many of the transport shootings were going on.

PROSECUTION: Let the record indicate the witness has recognized the accused Moesser wearing placard Number 13.

PROSECUTION: If it please the court, may the witness identify the accused without any qualifying remarks. If he wants to testify about those individuals later he may do so.

A Paul Waisonein, S corporal.

PROSECUTION: Let the record indicate that the witness has recognized Paul Waischein wearing placard number 12.

A Woerig, [illegible] enterprisent.

PROSECUTION: Let the record indicate that the witness has recognized Woenig wearing placard number 11.

A Walenta.

PROSECUTION: Let the record indicate that the witness has recognized the accused Walenta wearing placard number 11.

A Wiener.

PROSECUTION: Let the record indicate the witness has recognized the accused Wiener wearing placard number 10.

A Killian.

PROSECUTION: Let the record indicate the witness has recognized the accused Killian, wearing placard number 10.

A Andree, in charge of the post office.

PROSECUTION: Let the record indicate the witness has recognized the accused Andree wearing placard number 1.

A The others I can not see at the present.

PROSECUTION: The prosecution requests that the accused who wear glasses be asked to remove them and that the witness be given one more opportunity to look around.

PRESIDENT: The accused who wear glasses will remove them.

Just go around once more, Herr Ackermann, and see if there are any others you recognize.

A They look familiar to me, but I used to know them in uniform, they look different in uniform.

PROSECUTION: All right, Herr Ackermann, take your seat.

(ACKERMANN--Direct)

Q Now you recognize, you say, Andrae wearing placard number one. Can you tell the court anything more about him and the Pet Office than you have already said?

A Not much.

Q What can you tell the court in addition to what you have already said? Please make it brief. Don't repeat.

A Once I was up there and spoke to him and told him that my work detail, the corpse carrying detail, worked all day. They were dead tired. They were working for 14 days. Give me something for these poor devils and he told me, "I have nothing." Then I stole a box of tobacco from him.

Q You mentioned the name of Braumy. What can you tell about Braumy?

A About Braumy I can only say that he was one of the most feared people in Dora. He was known as one of the biggest beaters and I myself saw him frequently with a club in his hand and standing at the gate there. He was beating at them!

Q Where would he hit them?

A Wherever he hit them.

Q Name some of the places you saw him strike these people?

A I saw it at the gate.

Q Did you see what parts of the body were being struck?

A No. I only saw it at a distance of about 20 meters and then I immediately turned around and ran away because otherwise I would have gotten some beating myself.

Q You mentioned Brinkmann. What can you tell the court about Brinkmann? Just a moment. Do you know what position Braumy had? Can you tell the court exactly what position Braumy had?

A Braumy in the beginning had a position like first camp leader or first roll call leader.

(Ackermann-direct)

Q What position did Brinkmann hold?

A Brinkmann was roll call leader.

Q What was his rank?

A His rank was, according to my knowledge, either Technical Sergeant or Master Sergeant of the SS. I would rather believe it was master sergeant.

Q What can you tell the court about Brinkmann?

A I can say about him that he also belongs to the most feared people there. He used to beat prisoners with his fists and clubs.

Q Did you ever see that yourself?

A Yes.

Q What happened to those people that Brinkmann would beat with a club?

A That I do not know because at the moment when I saw that he was handing out a beating to somebody I would turn around and walk off.

Q You mentioned the name of Detmers. What can you say about Detmers?

A With Detmers I cannot say much because at night I did not go out with him and during the day he was constantly done.

Q What was his position?

A At first he was camp leader and then he became adjutant of the SS Major Foerschner and afterwards he was an SS legal officer.

Q What are the duties and functions of a camp leader?

A A camp leader has command authority representing the concentration camp commander. He is in charge of and issues orders.

Q In the absence of the camp commander is he the commander of the prisoners camp?

A Yes.

Q What are the powers and duties of an adjutant?

A An adjutant is sort of a general secretary of the commandant. He prepares all orders and he is the executive agency of the commander.

(Ackermann-direct)

pld-19-3

Q Do the various reports which are made to the camp commander--for instance would the various reports which were made to Foerschner--come before him in any way?

A They had to go through him.

Q What features or what business in the camp or what happened in the camp that would not go through the adjutant's desk?

A That I could not imagine. All the communications we sent to the camp commander Foerschner we sent care of the adjutant.

Q You mentioned that Detmers was also the judge of the SS Courts. Did you say that?

A Yes.

Q What did the SS Court have to do with prisoners?

A The SS Courts had nothing to do with prisoners.

Q When a prisoner was hung, such as you had described, would that be done as a result of the order received from anybody?

A I believe that was not necessary.

Q Well were those---

DEFENSE COUNSEL: If the court please, I move that that answer be stricken. The witness has testified that he believes.

PROSECUTION: I will agree that it be stricken.

PRESIDENT: The motion of the defense counsel is sustained. The last answer will be stricken.

QUESTIONS BY THE PROSECUTION:

Q When these prisoners were hung that he talked about--I think you said 30 at one time--were they hung after any trials, or was a trial of any kind had before they were hung, so far as you know?

A I never heard of any trial. I only saw a rope where those people were hanged.

Q Did you ever hear that a trial was had of any of those people that you say were hanged?

A No.

Q Do you know whether or not an order was read to these people or some kind of a communication made them telling them they were going to be hanged?

A According to my knowledge it was this way: Sanders, as deputy of Himmler, had the authority to do such orders or executions on his own.

Q Would that authority be limited to political matters or would it extend to hangings for any reason whatsoever?

A I believe that was a blanket authority with respect to everything.

Q So far as you know, did anybody else in the camp have authority to order a hanging?

A In itself every SS man who stepped off of a manure pile yesterday had the authority to hang any lawyer or physician who came from France or some place else--to beat him and to do whatever he wanted to do, practically. Theoretically I do not know what the orders were.

DEFENSE COUNSEL: I move that the first part of the witnesses answer be stricken as not responsive to the question.

PROSECUTION: I pray the court's judgement. I think it is.

PRESIDENT: The motion is denied.

QUESTIONS BY THE PROSECUTION:

Q Can you tell the court whether or not, to your knowledge--or if you don't know please say so--orders for hanging were ever issued from the headquarters of the camp commandant?

A I don't know that.

Q Before that you mentioned the name of Simon although you didn't recognize him. Herr Ackermann tell the court exactly what you know about Simon--and bring your glasses tomorrow.

A Of Simon I know that he was the person in charge of labor allocation.

Q What was his authority as Labor Allocation Leader?

A His authority was to use every prisoner on such a place where he would be most useful for the production of V weapons.

Q Was it his position, or did he have the authority to make a decision as to where every prisoner in Dora should go?

A Undoubtedly he had the authority of decision with respect to work.

Q I believe you stated that he had the authority or the power to disregard these notes that you gave sick people not to work?

A At first yes.

Q What else do you know about Simon?

A I only know that he was drinking very much and was sober very seldom. That he was very brutal and rough, but individually I cannot say anything about him.

Q Did you see him or what is the basis of your statement that he was brutal and rough?

A I saw him myself very frequently how he was running around and how he was yelling.

Q What was he doing?

A In my presence itself he did not beat, but he yelled at the people so roughly that one could draw some conclusions from that.

Q Now you started to say something about a transport in connection with Simon. What was that?

Perhaps I was mistaken and you were talking about somebody else.

A I only said with respect to Simon that in my presence he had told a prisoner who was not working as fast as he thought he should that, "Tomorrow you are going to the quarry and there you will be bumped off."

Q You mentioned the name of Moeser. What was his position and rank in the camp?

A Moeser was SS First Lieutenant and at first he was first camp leader and afterwards he was second camp leader.

(Ackermann-direct)

Q What are the powers and duties of a camp leader?

A The camp leader in the absence of the camp commander has full command authority.

Q Over whom?

A Over the prisoners.

Q What can you tell the court about Moeser?

A He had the impression that he himself was not too bad, but that he covered up for everything and that he didn't mind anything and that for him the life of a prisoner did mean just as little as for any other SS man. He just looked on regardless of how the prisoners were being treated. Furthermore, I have to state that we frequently made complaints to him about green prisoners--that means professional criminals--who had misused their command authority and had mistreated the prisoners.

Q You started to say something about a transport did you not?

A Yes. That was the evacuation of the camp in April, 1945 when the Americans were approaching.

Q Who was the commander of that transport you are talking about?

A The man in charge of the transport was SS First Lieutenant Moeser.

Q Now we will skip that. We will come to the transport afterwards. You mentioned Maischein. What was his job?

A He was an SS Corporal in the SS Troop Dispensary and afterwards he came as medical NCO to the prisoners in Nottleberode.

Q Who was in charge of the crematory?

A The man in charge of the crematory was an SS Sergeant Major by name of Schulte.

Q Who else had something to do with the crematory?

A No SS men.

Q Who else that was not SS?

A There was a prisoner there?

Q What else can you tell the court about Maischein?

A I can say that he was known as through the fact that he was stealing for prisoners.

Q What?

A For that reason he was punished also.

Q For what reason?

A During the time when the prisoners were still receiving packages he opened the closets and took things on him, or if he saw golden fountain pens in the pockets of a prisoner he would take it. For that reason he was punished.

Q Did Maischein have anything to do with keeping the records of the bodies or the corpses?

A No he had nothing to do with that, but undoubtedly he had certain orders to be active at certain actions.

Q For instance, what certain actions?

A Once I read the order myself that was given to him. "The SS Corporal Maischein has to report to the bunker tonight at half past eleven." Therefore, we assumed that he was being used during nightly actions under "apostrophe".

PROSECUTION: I will agree that this be stricken out.

PROSECUTION: It will be so stricken.

Q Did anyone hear what the purpose of this order was to report to the bunker?

A Yes.

Q What did you hear?

A From the SS Second Lieutenant Lorenz I heard--who also showed me the order--that Maischein was being used frequently for such actions.

Q What actions?

A Whenever the SS went to those nightly meetings in the bunker they did not go there to play cards, but they went there in order to kill some prisoner

(Ackerman-direct)

who afterwards was carried as "committed suicide".

Q What happened to the body?

A The body was burned by the SS.

Q Where?

A In the crematory.

Q How would bring it there?

A SS men. Frequently we received the order that at night no prisoner can go outside of the prisoner who worked in the crematory and at night was allowed to sleep there on such nights had to sleep on their own blocks and a group of five to six SS men moved from the bunker who carried a casket--coffin--in which probably no potatoes were, on they went to the crematory. This was a party with exclusion of all prisoners, whereby all prisoners were excluded. At one time on such an occasion where no prisoner could leave the house at night the SS Corporal Maischein came from the vicinity of the crematory and he also came over to us to the prisoner hospital. He arranged that the capo Broell went with him through the camp and he came to me an hour afterwards and he told me that Maischein had just wanted to bump him off. In his favor he assumed that he was not quite sober. He said to him, "Now I can knock you off." and Broell quieted him down and changed his mind.

A few evenings afterwards Maischein came again and handled his pistol carelessly. He also came in my bedroom and he had a revolver in front of everybodies face and he stated, "I am going to shoot all of you now." Softly we could get him out again and he definitely was not quite sober. The next day I explained to First Lieutenant Doctor Kahr.

Q You mentioned the name Valenta. What was his position?

A Valenta was a prisoner who first was in the bunker himself and then he became bunker capo.

PRESIDENT: The court will recess until 0830 hours Monday morning.

(Thereupon at 1700 hours the court recessed.)

MILITARY GOVERNMENT COURT

CASE RECORD

CASE NO. 000-50-37

PROSECUTOR Lt. Col [illegible] Morgan

*SUMMARY
INTERMEDIATE MILITARY COURT
GENERAL

DEFENSE COUNSEL Major L. Moullade

INTERPRETERS Sally Singer / Simon Weisgal

PLACE Dachau, Germany

REPORTERS Gloria [illegible] Sears
Mary T. Williams
Peter W. Dicerti
Horace [illegible] Underhill
Abel D. Holt

DATE 11 August 1947

WITNESSES

JOSEPH RAYMAN

ACCUSED ARTHUR KURT ANDRAE, et al

ADDRESS _____ SEX _____ AGE _____

	FIRST CHARGE	SECOND CHARGE
PLEAS		
FINDINGS		
PREVIOUS CONVICTIONS		

SENTENCE

IMPRISONMENT (TERM _____
(BEGINNING _____ 194_____

FINE AMOUNT _____
TO BE PAID BEFORE _____ 194_____
FURTHER TERM OF _____ IMPRISONMENT

CHARGE SHEET AND RECORD OF TESTIMONY ARE ANNEXED HERETO.

_____
SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY _____

_____

_____
SIGNATURE OF REVIEWING AUTHORITY

#STRIKE OUT WORDS NOT APPLICABLE

RECORD OF TESTIMONY

in trial of

THE UNITED STATES versus ARTHUR ANDRAE, et al

by

GENERAL MILITARY GOVERNMENT COURT

tried at

DACHAU, GERMANY BEGINNING 7 AUGUST 1947

11 August 1947 Pages 175 thru 202

TESTIMONY

WITNESS:	Direct	Cross	Redirect	Recross	Court
JOSEF ACKERMANN		212			

Take 20-Nordhausen
8-11-mdh-1

CAMP DACHAU, GERMANY

11 August 1947.

MORNING SESSION

(Thereupon the court reconvened at 0910 hours, 11 August 1947.)

PRESIDENT: Court will come to order.

PROSECUTION: Let the record indicate that all members of the court, all personnel of the defense, are present; two membersof the prosecution, Capt. McGarry and Capt. Ryan are absent on work for the Prosecution, all of the accused, the court reporter and the interpreter are present. The witness i still on the stand from the last session, under direct examination.

DEFENSE COUNSEL: May it please the court, on behalf of the accused Josef Fuchsloch, the defense wishes to introduce as individual defense counsel, Dr. Konrad Max Trimold. Dr. Trimold has been cleared by the administration, he is authorized to practice before the German courts and before this court. And the defense respectfully asks leave of the court at this time to permit Dr. Trimold to appear on behalf of the accused Fuchsloch.

PRESIDENT: Has the defense some written evidence informing us of the fact, to show, that the German counsel has been cleared before the court?

DEFENSE COUNSEL: Dr. Trimold has presented all his credentials to Mr. Goodman, the chief of the counsel section, and to Col. Ellis, and it is my understanding that he has been cleared and all necessary requirements have been met, and he is entitled to practice before these courts, and the administration has given its consent personally for him to appear before this court.

PRESIDENT: Dr. Trimold will be permitted to appear in this case before this court, on behalfof the accused Josef Fuchsloch.

MARSHAL: The witness is reminded he is still under oath.

Take 20
8-11-sdh-2

JOSEF ACKERMAN, a witness called on behalf of the Prosecution, resumed the stand and, being reminded that he was still under oath, testified further through an interpreter as follows:

DIRECT EXAMINATION (continued)

QUESTIONS BY PROSECUTION

Q Ackerman, last Friday you identified a number of the accused and named them to the court. Will you once more this morning look around the court room and see if you recognize in the court room any person whom you previously mentioned but whom you did not recognize last Friday?

A May I go up there again. (Indicating the dock.)

PROSECUTION: I assume he has permission.

PRESIDENT: He may.

A Now I recognize the SS Tech. Sgt. Simon, the labor allocation leader.

Q Will you point him out for the court? And what number is he wearing?

A No. 16. (Indicating.)

Q Let the record indicate the witness has recognized the accused Simon. Wearing a placard No. 16.

A Walenta.

Q I think Walenta was identified last Friday.

A SS Tech Sgt. Jacobi; No. 9.

PROSECUTION: Let the record indicate that the witness has recognized the accused Jacobi, wearing Placard No. 9.

A No. 10; Kilian.

PROSECUTION: Let the record indicate he has recognized the accused Kilian, wearing Placard No. 10.

A No. 11, SS Master Sgt. Koenig, labor allocation leader. Otherwise I don't recognize anybody else.

Q Last Friday at the end of the session you were asked to tell the court what you knew about the accused Walenta. Will you please tell the

Take 20 - Nordhausen
8-11-mdh-j

court what rank Walenta had, if any, and what his duties were?

A Walenta was a political prisoner who, for some reason, came into the bunker. And apparently he was taken into the confidence, or had gained the confidence, of the gestapo chief Sanders.

Q Upon what do you base that statement?

A Walenta left the bunker without any identification of what kind of prisoner he was, or without any prisoner's number.

Q Was that customary,or not, to have some identifying insignia?

A Among 50,000 prisoners he was the only one who had this privilege.

Q Tell the court what you know about his duties and activities and in fact everything you know about him?

A He, himself, indicated that he had been named by the SS Tech. Sgt. Sanders to conduct arrests.

Q For whom?

A For Sanders. He also told us that he had to arrest civilian persons in Nordhausen; that he had the authority to apprehend somebody he proved by the fact that one day he came into my office and showed me two steel handcuffs and he announced to me that by order of the SS Tech. Sgt. Sanders he was to arrest me and bring me to the bunker in handcuffs. I told him that I did not have any time.

Q Let's skip the talk he had with Walenta; just tell the court about the things you saw him do and what you heard he did.

A He went up to my boss, SS Major Dr. Wirths, and he told him that he had the order to arrest me but that I had showed him the door. Whereupon my comrade explained, Ferdinand Kerbik, and he said, "Well, you have to take along somebody; if Ackerman hasn't got any time I will go along." Whereupon he brought him to the bunker. Upon our interventions, we succeeded in freeing the arrested person.

Q I wish you would tell the court the things he did and not so

much the talking that he did. What else can you tell the court?

A What he had done we only can assume. We came to the conclusion that he conducted a double play.

Q What do you mean by double play?

A On one side he tried to gain our confidence and he introduced himself as our friend, but in veracity actually he took care of the businesses of Gestapo Chief Sanders. For that we received proof.

Q Well, what proof did you receive?

A Especially because people were arrested that he was on very friendly terms with and based upon that friendship these people had given information to him.

Q Can you name a few instances of that, to the court?

A Yes. The prisoner Walenta came with another prisoner to the prisoners' dental office. He told us that he had brought up the prisoner only for the sole reason so he would have a chance to speak to his accomplices. A short while afterwards his accomplice was arrested also. The best information about that fact could give the prisoner Czespida. He was imprisoned in the bunker for several months and he had the occasion to observe the double play of Walenta.

Q What happened to these prisoners that Walenta talked to?

A They came to the bunker and partly they were hanged.

Q Do you know where they were hanged?

A These prisoners were either hanged on the rollcall ground or at the so-called lumber yard, and partly they also were hanged in the tunnels.

Q Do you know for what reason the prisoners who were hanged in the tunnels were hanged?

A Officially we were told that they were hanged on account of sabotage.

Q Give the court some of the alleged acts of sabotage for which

Q Who saw him pick up this piece of metal and reported him, do you know?

A As a rule the denouncements were made by the criminal prisoners, the helpers of Sanders. He had the so-called criminal prisoners.

Q How did these criminal prisoners learn about these things? Who told them?

A They were destined as supervisors or wardens of the political prisoners.

Q Let's take this case of the piece of metal from which the shoe horn was made. You say he was seen to pick this thing up. Who saw him and who reported it?

A Some criminal prisoner saw him who had been ordered by Sanders to watch out for these things. He only took down the number, reporting this to his master, Sanders; received for that a piece of baloney or some other reward, and the prisoner was apprehended and was hanged the next day.

Q Give us some other instances of so-called sabotage for which prisoners were hung.

A In a camp where there existed a lack of everything it happened that prisoners out of the stocks of the camp would take along some useful things.

Q For example?

A For instance there were nails; there was paint; maybe he took along these nails or this paint in order to make his block a little more habitable. The SS only supplied us with plain living barracks. In order to finish these barracks we were required to steal everything necessary. The whole prisoner hospital and all the out shelters consisted of things

prisoners were hung in the tunnels or outside the tunnels?

A Many prisoners who had been sentenced to death were very surprised when they found out that they were supposed to be hanged on account of sabotage. Their whole sabotage consisted solely in that one thing, that they had picked up a piece of wire from the ground.

Q Piece of what?

A Wire. In order to tie up their shoes with this wire. The shoes which otherwise, on account of lack of string or something, they would have lost. One of them had picked up a piece of sheet metal one day and had made a shoe horn out of it. It definitely was a piece of metal without any value which was lying around on the ground, and the prisoner definitely never had thought or intended to sabotage the German armament program. When he was seen, he was apprehended and within 24 hours he was hanged on account of sabotage.

Q Who saw him pick up this piece of metal and reported him, do you know?

A As a rule the denouncements were made by the criminal prisoners, the helpers of Sanders. He had the so-called criminal prisoners.

Q How did these criminal prisoners learn about these things? Who told them?

A They were destined as supervisors or wardens of the political prisoners.

Q Let's take this case of the piece of metal from which the shoe horn was made. You say he was seen to pick this thing up. Who saw him and who reported it?

A Some criminal prisoner saw him who had been ordered by Sanders to watch out for these things. He only took down the number, reporting this to his master, Sanders; received for that a piece of baloney or some other reward, and the prisoner was apprehended and was hanged the next day.

Q Give us some other instances of so-called sabotage for which prisoners were hung.

A In a camp where there existed a lack of everything it happened that prisoners out of the stocks of the camp would take along some useful things.

Q For example?

A For instance there were nails; there was paint; maybe he took along these nails or this paint in order to make his block a little more habitable. The SS only supplied us with plain living barracks. In order to finish these barracks we were required to steal everything necessary. The whole prisoner hospital and all the sub shelters consisted of things

that we had stolen for it. If we had been caught doing that we all would have been hanged.

Q Now, name some of the things that took place in the tunnels which were considered sabotage. If you remember, name th

A I cannot remember any individual incident but the cases took place one after the other and the next day whoever was apprehended was being hanged.

Q Did you ever hear of cases where a prisoner was accused of sabotage who took an empty cement paper bag and put it under his clothes as additional protection against the elements?

PROSECUTION: That is definitely a leading question but he stated specifically he didn't remember anything else was I was using this to refresh his memory.

DEFENSE COUNSEL: If the court please, I would like to object to the question on the ground that not only is it a leading question but it is putting words in the mouth of the witness by testifying for the witness, requiring him to give a yes or no answer to a question.

PRESIDENT: The objection is sustained. The witness will not answer the question.

QUESTIONS BY PROSECUTION:

Q Can you tell the court anything more that you know of the activities of the accused, Kalenta?

A Nothing positive. The other witnesses will be able to testify more against him. Those witnesses who were prisoners in the bunkers and who were offered the friendship also ta -- they will be able to tell more about it.

Nordmann--direct

Q Did any other prisoners tell you or talk to you about clients who is not here as a witness?

A This one prisoner that I mentioned was the only one.

Q You also identified the accused, Zwiener. Will you tell the court what you know about his duties and activities in the camp?

A Zwiener was a criminal prisoner. It was the biggest thought of the SS Administration that they preferably use criminal prisoners in Camp Dora as Camp Guards and Block Leaders. The criminal prisoners had for a long time the upper hand in the camp. The camp eldest, Zwiener, made ruthless use of his power. He owed himself as a willing tool of the SS. He walked with a club in his hands through the camp and beat prisoners indiscriminately who in is opinion did not work fast enough.

Q What were the nationalities of the prisoners?

A The nationalities of these prisoners varied. We had all kinds of nationalities among the prisoners.

Q Name the nationalities of some of the prisoners that you saw beaten by Wiener.

A French, Belgians, Dutchmen, Czech, Poles, Russians, Italians, and many others.

Q With what did he beat them?

A Usually he had a club or cudgel in his hands.

Q What would happen to the prisoners who were beaten in this way?

A These prisoners partly came to the dispensary with heavy injuries.

Ackermann-direct

Did you ever talk to a prisoner who had been in the bunker?

A Yes.

Can you give the names of some of these people to the court?

A I do not know the full last names; the prisoners all had nick-names. So, for instance, this one prisoner had the nick-name "The Countess."

Q Is that particular prisoner here as a witness?

A No.

Q Tell the court what this particular prisoner told you about Valenta and the bunker.

A He, himself worked in the bunker as an orderly and he practically came every day to me and told me that Valenta was being sent into the camp only for the reason to gain the confidence and in this manner he should supply material to the SS Tech Sergeant Sanders for further apprehensions.

Q Did he tell you anything else about Valenta in addition to that?

A That was enough for us.

Q Herr Ackermann, please answer the question. Did he tell you anything more about Valenta?

A He told us that Valenta only was trying to find out from us and in addition to that that he was beating prisoners in the bunker and that he showed there his true face as a helper of the Gestapo.

Q Did this particular prisoner tell you what instrument, or how Valenta beat the prisoners in the bunker?

A He beat them with the same stick that Sanders used.

Q Did any other prisoners tell you or talk to you about clents who is not here as a witness?

A This one prisoner that I mentioned was the only one.

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A Zwiener was a criminal prisoner. It was the biggest thought of the SS administration that they preferably use criminal prisoners in Camp Dora as Camp Elders and Block leaders. The criminal prisoners had for a long time the upper hand in the camp. The camp eldest, Zwiener, made ruthless use of his power. He showed himself as a willing tool of the SS. He walked with a club in his hands through the camp and beat prisoners indiscriminately who in his opinion did not work fast enough.

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A The nationalities of these prisoners varied. We had all kinds of nationalities among the prisoners.

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A French, Belgians, Dutchmen, Czech, Poles, Russians, Italians, and many others.

Q With what did he beat them?

A Usually he had a club or cudgel in his hands.

Q What would happen to the prisoners who were beaten in this way?

A These prisoners partly came to the dispensary with heavy injuries.

Ackermann-Direct

Q How long were they in the dispensary, these prisoners beaten by Zwiener?

A That differed. Some of them had to be treated for a long time.

Q How long?

A That I do not know any more for individual cases but I know that some of them had to be treated from 14 days to three weeks.

Q What else do you know about Zwiener?

A Also that Zwiener was present at hangings and helped along.

Q What did he specifically do at hangings?

A That I cannot say. I did not participate in this miserable play but sometimes I had to pass by there or sometimes I saw it while looking out through the window, but there are many witnesses who were forced to view this show.

Q How many hangings did you witness at Dora?

A I saw one last hanging whereby about 60 prisoners were hanged.

Q Who was the hangman or the hangmen on that occasion?

A In this case Villan was the hangman.

Q Did you see any other hangings besides the one you just mentioned?

A I saw numerous hangings from a distance, however through the window.

Q Could you see from the window who the hangman was?

A Through the open window I could see that the hangman was there and han led the rope but could not see every particular.

Q Did you ever see any hangings in the tunnel?

A No, I was not present at the hangings in the tunnels.

Q What else can you tell about Wiener, if anything

A I can only say that he was very reckless without consideration towards the political prisoners; that he tried to put the prisoners of his color, that is the criminal prisoners, into preferred positions. That is all.

Q Now, you have also mentioned the name, Andrae. What can you tell the court about Andrae?

A Andrae was in charge of the Post Office, pretty much at the same time he was put in charge of the Post Office, the order was issued that prisoners could not receive any more packages, but at the same time it was forbidden to write home not to send any more packages.

Q By whom?

A From the relatives at home.

Q Who passed out the order that prisoners couldn't write home and not to send packages?

A It was announced through the Post Office and prisoners who made such a remark in their letters, those letters would not be forwarded. The result was that carloads of packages came, mostly from foreign countries. The prisoners received string and the wrappings and the contents remained with the SS.

Eckermann-direct

Q You also mentioned the name of Simon. What can you tell the court about Simon?

A I have never seen that Simon had beaten.

Q I asked you to tell the court what you can say about Simon.

A I at first wanted to bring out the positive side. The negative side was that in his position as Labor Allocation Leader he exerted a pressure on the prisoners and in such a manner that the work had to be very much and very fast.

Q What were the powers and duties of a Labor Allocation Leader?

DEFENSE COUNSEL: If the court please, I appreciate the prosecution wanting to emphasize all those points over again, however this testimony has been gone through practically the same contents before the adjournment on Friday.

PROSECUTION: If it is, I withdraw the question. I didn't remember.

PRESIDENT: The prosecution will proceed.

QUESTIONS BY PROSECUTION:

Q What are the powers and duties of the Allocation Leader at Dora, or rather what were Simon's duties as Labor Allocation Leader at Dora?

A He was the one that was responsible for the fact that the working strength of the prisoners was used as much as possible because this was the reason why the prisoners had been brought to Dora. Labor Allocation Leader Simon was from the viewpoint of the SS an excellent Labor Allocation Leader.

Q I asked you what were the duties and powers of Simon? What was the Labor Allocation Leader supposed to do?

A His duty was to channel enough manpower to the various production plants and to see to it that as much work as possible was being done by those prisoners. There was many a task of work because he couldn't check upon every individual job.

Q You also mentioned Maischein. What can you tell the court about Maischein?

A The last session I mentioned already what I could say about Maischein.

Q All right, let's pass him up then unless you have something more to add. Do you have anything to add now?

A No.

Q You also mentioned the name, Jacobi, what can you tell the court about Jacobi?

A Jacobi was in charge of the carpenter shop, carpenter plant. What was generally known among the prisoners was that he was very brutal and I also remember the case where there was an incident of an accident which resulted from a blow of the SS Tech Sergeant Jacobi.

Q Who did that hit?

A A prisoner.

Q What happened to the prisoner?

A He was treated in our place and after a while he was released again.

Q Who built the gallows that were used in Dora?

A The gallows were built in the carpenter shop under the supervision of SS Technical Sergeant or Master Sergeant Jacobi.-

The barracks and other buildings in Dora, under whose supervision were they built?

A They were built under the supervision of the so-called construction detail.

Q What was the work done in the carpenter shop of which Jacobi was the head?

A That was the camp carpenter shop which had to take care of the matters of the internal camp.

Q You mentioned the word, "capo". Will you quote a definition of the word, "capo"?

A The name comes from 'Il Capo' from the Italian language. It is the designation of some kind of supervisor or foreman, who, however, in a concentration camp had the sole authority of the people working for him, for instance, the camp commander, Foerschner, in the summer of 1944 announced by reading an order at roll call that every capo is allowed to knock down and kill every Russian if he should not work diligently enough.

Q Who published that order?

A This order was read for three successive days at roll call times by the camp commander being in charge of that day.

Q Who were those people? Who read the order?

A I do not know at the moment who was the camp leader on that particular day but it could have been either SS 1st Lieutenant Boesor or SS First Lieutenant Boesor. This was read to all the prisoners who had lined up and over the PA system.

Q Have you previously told the court the powers and duties of a camp leader such as Boesor was?

A I believe I brought that out in the 1st session.

Ackermann-Direct

ho was the immediate super'or t Moeser?

A .t first actually Moeser w.s the first Protective Custody Camp Leader and above him was only the camp commander.

Q During what period f time was he the first Protective Custody Leader?

A The first time it was s ring to fall, 1944. Afterards only the Protective Custody Camp Leader, Moeser, came and he w s made first Protective Camp Leader and Moeser was made the second one.

Q During the period of time Moeser was first Protective Camp Leader you say his only superior was the camp commandant, and who was that?

A Foerschner was camp commander.

Q Was Foerschner camp commander only of Camp Dora or was he of the out camps of Dora as well?

A Foerschner not only w s t'e camp commandant of Dora but also from all the other camps.

Q And the second in command at Dora was whom?

A .s the cam leader.

Q And his name?

A That was Moeser, respectively afterwards Moeser.

Q Yes. Tell the court what a block eldest was.

A A block eldest was a prisoner who had the care and he was responsible for runnin, the block. He was responsible for people and orders within the lock, and also during roll call he had to make the strength report of his block.

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Q I am going to ask this question leaving out the German prisoners. My question is this: What categories of prisoners were in Dora exclusive of the German prisoners?

A In the Camp Dora figuring from the foreign prisoners there were both political prisoners as well as criminal pris ners, but the majority of the foreign prisoners consisted of political prisoners.

Q Were there any other categories among the auslaenders?

A It is possible that among the prisoners there were also homosexuals, but now I understand the question properly. Among the foreigners there were also prisoners of war. There were Russians and Italians as prisoners of war in the camp.

How did you know they were prisoners of war?

A Because there were prisoners in camp who were - ta en within Russia and only could have been ta en prisoners while they were being soldiers and of course because we would be speaking to the prisoners. Outwardly these prisoners were not being designated as prisoners of war but as political prisoners. Most of these Russian prisoners of war came from Buchenwald.

Q Let's leave out what happened at Buchenwald, please.

A By that I could answer the question that I know they were prisoners of war. We all got to know them personally to a bigger part. We gave them when they arrived bread, cigarettes, everything we had.

Q Did you see them when they came to Buchenwald?

A Yes.

Q How were they dressed?

A They came to Buchenwald in their Russian uniforms.

Ackermann-direct

Q From where did they come to Buchenwald?

A They came in big transports directly to Buchenwald from the East.

Q Did you talk to some of them in Buchenwald?

A With very many.

Q Did they tell you from exactly where they were made prisoners?

A Yes. They told us that they had been made prisoners of war and that immediately they had been sent to Buchenwald in transports which lasted from two to four weeks.

Q Did these prisoners all stay in Buchenwald or were some of them sent to other camps?

A Those who were not shot in the horse stable were sent out to all branch concentration camps.

Q Name some of the camps to which they were sent.

A From Buchenwald they were sent to 150 branch camps and also to Dora.

PROSECUTION: Sir, I think this would be a good place to recess.

PRESIDENT: The court will recess for twenty minutes.

(Whereupo the court at 1005 hours recessed until 1025 hours.

(Thereupon the court reconvened at 1035 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all members of the court are present; that Captain Strader of the defense is absent on business of the defense; chief defense counsel is present; all the personnel of the prosecution are present except Captain Ryan and Captain McCarry, who are absent on business of the prosecution; all the accused are present; the reporter and interpreter are present.

At the end of the last session the witness Ackermann was still under direct examination.

PRESIDENT: The witness is reminded he is still under oath.

PROSECUTION: Does the court desire me to indicate in every instance absence from personnel of the prosecution and defense as I have just done? Or, as long as I state that they are represented, that is enough?

PRESIDENT: That is enough.

JOSEF ACKERMANN, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, testified further through an interpreter as follows:

DIRECT EXAMINATION (continued)

QUESTIONS BY PROSECUTION (continued):

Q Herr Ackermann, at the end of the last session you stated to the court something about these Russian prisoners of war whom you had seen in Buchenwald and you stated that they were sent to other camps from Buchenwald, and when I asked you to name some of the camps, you mentioned Dora as one camp to which Russian prisoners of war had been sent. Did you ever subsequently see any of these Russian prisoners of war whom you had seen at Buchenwald?

A Yes.

Q Were there prisoners of war of any other nationality besides the Russians in Dora?

A Only Italians.

Q Do you remember when these Italian prisoners of war came to Buchenwald?

A The Italians did not come to Buchenwald, only the Russians.

Q Where did you see these Italian prisoners of war?

A I saw them for the first time in Dora.

Q And when was that?

A In January 1944.

Q Did you have an opportunity to talk to any of these Italian prisoners of war?

A Yes.

Q Did they tell you when and where they were made prisoners?

A Yes. They told me that they were made prisoners of war in Italy by the Germans.

Q Did they tell you when?

A At the time of the retreat of the Germans.

Q Which retreat?

A When the Germans had to retreat in Italy.

Q Now, you said you saw them during January '44. Did they tell you how long they had been prisoners?

A No.

Q Do you know who was at the head of the Italian government at the time they were made prisoners of war?

A I can't remember that we spoke about this.

Q Now, Herr Ackermann, when you first came to Dora where were the majority of prisoners sleeping?

A When I arrived in Dora on the 4th of January 1944, 99 percent of the prisoners were still sleeping in the tunnels.

Q When did they cease to sleep in the tunnels?

A Finally in the camp in front of the tunnels more and more barracks were being built and in these barracks finally prisoners were also allowed to stay there during the night.

Q When was it that prisoners began to sleep in the barracks instead of in the tunnels?

A I believe it took until the summer of 1944 until the majority of

the prisoners could sleep outside of the tunnels.

Q Could you give the court an idea of the month and the year when the first barracks were occupied by men who had formerly slept in the tunnel?

A In January 1944 when I came to Dora there were only two barracks standing there and in these barracks only those men could be quartered who were working in the camp outside of the tunnels. During the following months more barracks were built and then another part of the prisoners who had had to sleep in the tunnels was able to sleep in these barracks. According to my recollection it was the late summer until the majority of those prisoners who were working in the tunnels were able to sleep outside of the tunnels.

Q Now, Herr Ackermann, you told the court about the heavy work that the prisoners had to do in the tunnels. Can you tell the court whether or not the labor of the prisoners lightened as time went on? Was it easier in '44 and '45 than it was in '43?

A First of all, the work in the tunnel was very, very difficult because blastings had to take place. Later on the work became lighter as far as physical work was concerned. On the other hand, the tempo was speeded up and therefore the work that could partly be done by machine did not become lighter but, as a matter of fact, due to speeding up of the tempo it even became more severe and the working hours were lengthened more and more. There were sections who originally did not work their full 12 hours a day, whereas later on the 12 hour day became customary because the orders came one after the other that the V-weapons were to be completed as soon as possible, and this without consideration of human lives -- the work was to be speeded up. I personally read orders in which the following sentence was contained: "The work is to be finished without consideration for the health and physical condition of the prisoners."

Q What organization or what individual set the hours of work?

A That I can not state of my own knowledge. I presume that this order originated from Berlin.

PROSECUTION: I ask that that part of the answer, the presumption, be stricken from the record.

PRESIDENT: It will be so stricken.

Q Who was in charge of the production of V-weapons in the tunnel?

A According to my knowledge, General Director Richhey was to be manager in the tunnels.

DEFENSE COUNSEL: If the court please, would the witness please be asked to define the dates when Richhey was director of the tunnel, according to his knowledge.

PROSECUTION: Do you want to take the witness now, Major, before I get through with him?

Q When did you first meet Richhey or know of him?

A I never met him but I very often heard about General Director Richhey.

Q So far as your information goes, when did Richhey come to the tunnels?

A That I can't remember exactly any more. I can only remember that during conferences with Dr. Ding-Schuler -- he is a Major; rank of SS Major -- I repeatedly heard that we would first have to ask Director General Richhey.

Q Now, who told you that you would first have to ask Richhey?

A I wasn't told that I had to talk to him, but the Major Dr. Ding-Schuler, who was the hygienic man for the entire camp, told me that we would first have to speak to Director General Richhey.

Q Who was Ding-Schuler?

A Dr. Ding-Schuler was the chief of the hygienics of the SS for Buchenwald and for Dora. Dr. Ding-Schuler appeared every six to eight weeks in Dora about inspections. His office was in Buchenwald.

Q Who would be present at these conferences with Ding-Schuler when that statement was made?

A I believe that I was alone with Dr. Ding-Schuler.

Q What were you talking with Dr. Ding-Schuler about as a result of which he made that statement?

A Dr. Ding-Schuler dictated a large report about the future of Dora. According to this plan one-quarter of a million persons were to be used in the production in Dora.

Q Well, let's limit the testimony to the conversation of which you talked about which produced that statement.

A To finish this plan Dr. Ding-Schuler told me that he would first have to speak with Rickhey.

Q Did he tell you the subjects that he would have to discuss with Rickhey?

A No.

Q Do you remember how long Rickhey remained in the tunnel? How long Rickhey remained as general manager?

A I can only remember that he arrived in Dora rather late. Rather, I remember that I didn't hear about him until very late.

Q My question was: How long did he stay there?

A That I can't say, how long he remained there. I don't know if he was there at the end. I can only state positively that around the end of the year, the turn of the year 1945, that he was still there.

Q Now, you said ---

DEFENSE COUNSEL: If the court please, I have just been informed, perhaps erroneously, but it should be called to the attention of the court, that a prosecution witness is now in court. If that is so, will he please be removed?

PROSECUTION: If he is, I don't know who he is.

PRESIDENT: Will the interpreter question spectators, and if there

is any prosecution or defense witness or any person to be a witness in this trial in the courtroom now he will be directed to leave.

(Whereupon the interpreter did as instructed.)

PROSECUTION: I don't recognize any. That isn't decisive. There may be someone whom I don't know.

DEFENSE COUNSEL: I am sorry.

PROSECUTION: My associates say there are none.

PRESIDENT: Proceed.

Q Can you give the court any more details about this increase in tempo you talked about before?

A In Berlin the impression ---

Q Let's leave Berlin out of this case, please. Just tell the court what happened.

A I knew that toward the end of the year 1944 repeatedly from the camp administration the complaints arrived that the production was unsatisfactory.

Q From whom did these complaints come?

A I heard that this complaint originated from Berlin.

Q Who brought these complaints to the attention of the administration in Dora?

A That I can't say. I only know that these complaints arrived, the SS people spoke about them, and I know that thereupon the tempo in the tunnels was speeded up; and in connection with this was also the order that the Russians could be beaten to death because the suspicion was created that through the passive resistance of the prisoner the production was hemmed in. In practical sense, this is the way it worked: An order that could not be controlled, could not be investigated, came from the top and the lower organizations pressed for a speeding up of the tempo.

Q What would be the channel of complaint? If you know, say so; if

you don't, don't guess, please.

A It is the same way as through military channels. The superior officer passes it on down to his subordinate; the subordinate passes it down to his subordinate; and all the way down until it arrives at the prisoners.

Q Do you know what the chain of command was so far as the work in the tunnels was concerned?

A No.

Q Now, did you in the course of your duties have occasion to see or compile statistics with regard to the death rate of prisoners in Dora and the subcamps of Dora? Either to set them up yourself or to see them?

A I personally set them up.

Q For how long a period did you set up the statistics for the death rate in Dora and the subcamps of Dora?

A This statistic was set up monthly.

A The reason was that those young people, due to the stone dust air in the tunnels, had lung diseases and became tuberculer.

Q Did the death rate diminish some time, or did it increase?

A The death rate varied. Originally, the death rate was very large.

Q Give the court as nearly as you can remember, giving the death rate, giving the time you first remember until the end with numbers and percentages, if possible.

A In the beginning of the Camp Dora, that is the summer of 1943 until approximately February, March 1944, the death rate was very, very high. The exact number will not be ascertained--can't be established at this time any more. It was not possible to control it in this newly constructed camp.

Q What do you mean by "control it"?

A The organizations had not been set up yet to record every prisoner, the prisoners' dispensary which had at its disposal consisted of an empty barracks.

(Luncheon recess)

Q Can you also tell the court something about the age groups of the prisoners in Dora?

A Yes. It was noticeable, particularly at Dora, and contrary to all the other camps that just the younger men or younger people died. So, for instance, these young Italians and these young Frenchmen died very quickly, for the reason that they could not stand the climate.

Q Herr Sakorraus, my question was, what was the age groups?

A The age groups were approximately 20 to 35 to 40 years.

Q Do you mean by that, there was nobody there younger than 20 and over 40?

A No. There were very many there who were under 20 and there were very many who were over 40 years of age, but the death rate of those 20 to 35, even some 40 years of age was remarkably great.

Q What was the cause of these deaths?

Q Never mind why they died, Herr Ackermann, give the court as best you can what the death rate was.

A I can only say that from the beginning, from approximately August 1943 until January 1944 that every second or third day, a full truck load of naked corpses was delivered from Dora to Buchenwald; every truck contained 150 to 200 corpses.

Q What was the prison population in Dora and its subcamps at that time?

A At this time up until January, it could have been between eight and ten thousand.

Q All right, continue, and give the court the death statistics from that time on.

A I cannot give you any exact figures for this period of time just like that, but I can say that in the following months beginning from March 1944, the death rate decreased considerably, which may be due to the care of Dr. Kahr, but nevertheless, we still had from 500, 600 to 800, perhaps a thousand deaths per month. The death rate increased considerably, then when the individual camps in the east, like Auschwitz, and so on, were dissolved, we received prisoners who were in a very bad physical condition. In February we had a death rate according to my recollection up to 3,000, and in March 1945 an estimated death rate of approximately 4,500.

Q Mr. Ackermann, what was Boelke Kaserne?

A The Boelke Kaserne in Nordhausen was a branch of Dora.

Q What was the Boelke Kaserne?

A The Boelke Kaserne was only the quarters for a part of those prisoners who were also working in another part of the internment camp.

Q Was there a prisoners' hospital in Boelke Kaserne?

A A dispensary was installed there.

Q Now, were the patients in the hospital at Boelke Kaserne limited to prisoners who were quartered there, or were prisoners from other camps sent to Boelke Kaserne?

A No. In this dispensary only those persons were allowed to enter this dispensary who were quartered there in the Boelke Kaserne, with the exception of the dispensary in Dora, which also had the prerogative of admitting severely sick prisoners from outside camps.

Q Herr Ackermann, what can you tell the court about suicides at Dora?

A There were many suicides. There were prisoners who recognised the hopelessness of their situation and who preferred death to the slave existence of a prisoner who had to work in the tunnel.

Q Can you give the court any statistics on suicides?

A That I cannot state from my recollection any more. If I were to give figures here, I would like to give exact figures, but I can state from my own recollection that there were days when I personally had three to four suicides; either he threw himself in front of a locomotive, which happened very often, or he jumped off some height, or he hanged himself.

Q Was there a fence around Dora?

A Yes, there was an electrified wire around the camp, and many found it a most simple way of going to his death by running into this electrified wire.

Q Were there dogs in Dora or the outcamps?

A Yes, there was an SS dog section there; and these trained SS people were on guard duty, there with their dogs. The dogs had been trained to grab and jump at every prisoner.

Q Did you ever see any of these dogs that were not on a leash?

A Yes.

Q What would these dogs do?

A These dogs were trained to such an extent that they would jump at a prisoner without any question.

Q Did you ever see any dogs at Dora jump at a prisoner?

A During the marching out in the morning through the gate, these SS people together with their dogs were standing outside the gate, even though these dogs were on a leash, they snapped at every prisoner.

Q Did they bite any prisoner?

A Yes, they sometimes snapped at the prisoners and bit them some place. We repeatedly had to treat prisoners in the prisoners' hospital who were delivered there due to dog bites. It was a particular sport of these SS dog section people to hold the leash rather loosely so that these dogs were able to snap at the prisoners.

Q Now, at the end, Herr Ackermann, you went on a transport?

A Yes.

Q And who went on that transport with you?

A It was a group of about five to six thousand prisoners.

Q Where did the prisoners come from?

A They were exclusively prisoners from Dora.

Q And where was the transport going?

A We were not told this officially, but we heard from SS circles that it was supposed to go in the vicinity of Hamburg.

Q What bread rations--what food rations were given to you when you started out?

A Before the transport--two days before that, we had not received any bread whatsoever.

Q You mean two days before the transport started out?

A Yes. We were fed exclusively during the transport through the distribution of one can of pig's fat.

Q Now, let's start at the time you were put on the transport, what food was given to you?

A Individual details received at the time of the departure or perhaps an hour before one piece of bread.

Q How big a piece?

A That was a loaf of bread. A lar.e part of the prisoners, however, did not receive any bread any more because the bread was insufficient in quantity. My entire section of the prisoners' dispensary went on this transport without bre.d.

Q What did you have?

A We often didn't have anything.

Q Now, Herr Ackermann, tell the court that you and your group were given by way of food in preparation for this journey--tell it exactly.

A We received nothing whatsoever as far as food is concerned for this transport. We only received on the second day in the train one can of pig's fat.

Q Now, how long were you on this transport?

A First of all, we rode for three days in railroad cars. On the fourth day we could not proceed any further because through low-flying pursuit planes, the railroad tracks had been destroyed. We had to march on foot on the fourth day from the morning, approximately 5 o'clock until 12 o'clock at night.

Q Altogether, how many days were you on this transport?

A I was on this transport for four days altogether, and during these four days I only received this can of pork fat.

Q And before you left, I believe you said you were given one loaf of bread?

A I, as well as my sectio., did not receive any bread--only a part of the prisoners received a loaf of bread before they went off, but there was not a sufficient quantity for the entire prisoners, because we picked up all the old pieces of bread crust that we could still find--these crusts which we could hardly bite into any more, and this is what we took along on the trip.

Q .hat did you receive to drink durin. these few days?

A .e didn't receive anythin. to drink.

Q Who was in .harge of this transport?

A SS First Lieutenant Hoesor was in charg. of this transport.

Q Describe what happened on this transport from the time it started until you left.

A On this transport .reat disease arose v.ry quickly.

Q Let m. stop you for a minute. .hat kind of trains were you riding in?

A .e rode in cattle cars.

Q Now, were they open or closed cars?

A The cars were closed on the sides, but on th. top they were open, and were covered by a tarpaulin.

Q How many people in each train--each wa on?

A There were up to 140 persons in on. car.

Q How many were in the wa on in which you were riding?

A In my car there were exactly 128, to which must be added that there were also 3. guards in this car who sat down on a bench, and the regulation road that each prisoner would have to be altogether less than a half a meter away from the guards, so these 4, 5 guards took up a space which could hav at least contained the double of this amount of persons, in addition to hich the guards had their rifles with them, and they had to have enough room to use their rifles, if necessary.

Q How did the prisoners sleep on this trip?

A Only a part of the prisoners was able to even stoop down. Th other part had to stand. It was so close together that the people were in dan.er of suffocatin.. Nobody could stretch out or lie down. They could only stoop down to .et a little bit of rest. The people suffered fro. terrible thirst because they had eaten this futty pork fat. Only on the

second day was it possible that they were allowed to go to a well. They had to take care of their human needs within the car because no permission was granted to step outside. In the cars were the Russians. It went so far that individual Russians took their knives and cut off parts of their dying comrades in order to nourish themselves from the meat of their dying comrades. The SS First Lieutenant Aposer came to me personally and requested me to order my litter-carriers to the Russian transport so that an end could be made to this, otherwise, they would eat their own people up, he said to me. Thereupon I immediately ordered my litter-carriers to take those Russians out of there. During the transport shootings took place at all parts of the transport. On the third day I was ordered to release my litter-carriers in order to bury the dead lying on the railroad sidings.

Q Wait a minute, don't get that far. How many were buried?

A That I can't say.

Q How many bodies did you see that you remember?

A I didn't see any bodies myself. I only ordered my litter carriers to go to the rear part of the transport where the Russians were to carry out the dead and to bury them there on the side.

Q Were there any deaths in the wagon in which you rode?

A In my car there were no death cases.

Q Now you said something about these shootings. What were these shootings about and who did the shooting?

A Either the guards, the SS guards did the shooting or these criminal prisoners who had been supplied with weapons immediately before the transport left Dora. The criminal prisoners were supplied with weapons.

Q By whom?

A On the roll call place from the official camp administration.

Q Who gave out the weapons or who ordered the weapons given out? If you don't know please say you don't know.

A I don't know.

Q Did you see anybody do any shooting on the transport?

A I can only say that I heard some shots in back of me and when I turned around I saw, at a distance of 20 meters, a man who was collapsing and who died there. It was a long column of five to six thousand prisoners and I personally couldn't step out of the column.

Q We are talking now about the transport on the train or are we talking about the time you were marching?

A On foot. No, on foot.

Q Did you say there were shootings on the train?

A Yes.

Q Who did the shooting on the train, if you know?

(Ackermann-direct)

A I personally was in a car that was closed in the front and in the back on the sides and on the top so I personally couldn't see them.

Q Did you see any bodies which had been shot to death?

A I did not see them in the train. I saw them on the foot march.

Q How many did you see shot to death on the foot march?

A I didn't see very many because I was at the beginning of the columns.

Q How many?

A I saw one who was just receiving a mercy shot and I saw two or three lying dead there.

PROSECUTION: I ask the court to ask the witness to answer the question.

THE WITNESS: May I have the question repeated?

Q I asked you how many bodies of people you saw who were shot to death on the foot march?

A I saw approximately two or three bodies and one who was receiving a mercy shot.

Q Who fired the mercy shot, if you remember?

A An SS man gave that.

Q The three other bodies that you saw, were they shot to death on the transport?

A I presume so because they were lying at the edge of the road.

Q Did you receive anything to eat on the foot march?

A Outside of this can of pork fat I didn't receive anything to eat whatsoever during these four days.

Q So far as you could see were the prisoners or that transport all the prisoners on that transport, given anything in addition to that one can of pig fat?

A I believe that I can state definitely that the other prisoners did not receive anything either because I approached many of the SS people and begged them to give them some bread because they were all going to get sick or me if they

(Acker ann-direct)

eat this pig fat without any bread and the SS people stated, "We have nothing more."

Q What did the SS have to eat on this transport?

A The SS had a large surplus with them, a large supply with them. What they ate of their supply I cannot say.

Q What did the supply items consist of?

A They had cans of meat from the kitchen and all sorts of food, but contrary to this they had practically no bread. Several of the SS people with whom I was quite friendly told me quite sincerely that, "We ourselves don't have any bread anymore. We only receive one slice."

Q Herr Ackermann---

A But in comparison to this they certainly had enough whiskey with them because they were permanently drunk on the second day.

Q Were you at Buchenwald for a long time?

A Yes.

Q In your opinion which was the worse camp, Dora or Buchenwald?

A I was at Dachau, Buchenwald and Dora. When I arrived at Dora I made comparisons. In comparison Dachau appeared to me to be a paradise, Buchenwald a sanatorium and Dora worse than hell.

What What were the things that took place at Dora? The things that happened and the things you saw which is the basis of your opinion?

A That was, first of all, the terrible hygienic and sanitary conditions which existed. The camp outside the tunnel was until the summer of 1944 a mountain of mud into which one sank up to ones knees if it had rained. For a long period of time it was impossible to wash or bathe regularly. The working conditions for the majority of the prisoners were very poor.

Q Wait a second.

A And as far as concerns the hardship of the work and the length of the

(Ackermann-direct)

hours that had to be worked--

Q Are there any other reasons that you can give the court for your opinion?

A Yes. In Buchenwald during the course of the years the conditions had stabilized themselves. The political prisoner was recognized to a certain extent. In Dora the green prisoners, the criminal prisoners were the ones who gave the orders.

Q What nationality were these green criminal prisoners who gave these orders?

A 99 per cent of them were German.

Q Now I just happened to think. You gave some statistics on the death rate of the prisoners. Have you any statistics on the death rate at Dora of the SS personnel?

A No. Yes. I set up statistics. I didn't find it necessary to set up statistics over the SS people. They were so small. About every month or two one SS man died. I believe during the entire period of time I was there from the 4th of January, 1944 until April, 1945 that all together 20 SS men died.

Q What was the total SS population in Dora?

A I can't say that today anymore, but I estimate it to be approximately 800 people.

Q Is there anything that you know about Dora and its subcamps which you have not told the court which you would like to tell now, but limit it to facts--things that actually took place?

A Yes. Worse than at Dora were the newly constructed outcamps. I saw the camps Ellrich and Harzungen. I saw them repeatedly. Whereas in Dora the conditions within a period of a year consolidated themselves the conditions in Ellrich were so catastrophic that a death rate was arrived at that was ever higher than that of Dora.

Q What was the cause of that?

A The reason for this was first of all that in these newly constructed camp every hygienic installation was missing and that for these new camps

particularly strict SS people were sent there.

Q Where did the prisoners at Harsungen work?

A The prisoners from Harsungen as well as those from Ellrich worked in the tunnels. Whereas, however, the prisoners of Dora had a comparatively short way to go the prisoners in Ellrich and Harsungen and the other outcamps some of them had hours to go to get to work.

Q Were these tunnels in which the prisoners at Ellrich an Harsungen worked the same tunnels that the prisoners in Dora worked on?

A No. It was a tremendous mountain area called Kohnstein drilled on all sides.

Q Could you point out on the map to the court the tunnels in which the prisoners from Ellrich and Harsungen worked at?

A No, that I can't. I have a general idea of where they worked, but I have never seen it exactly.

Q Near what towns did they work if you know?

A That I also don't know anymore.

Q Have you anything else to add about Ellrich and Harsungen?

A No.

Q Do you know who the camp commander was at Harsungen?

A That was, as far as my knowledge goes, a certain SS Captain Fritsche. Later, according to my knowledge Brinkmann came to Ellrich.

Q Who was the camp leader in Harzungen, not the camp commandant, but the camp leader?

A That changed quite often and as far as I can remember I don't know who the camp leader was in Harzungen.

Q You mentioned Brinkmann. To what camp did he go and in what capacity?

A As far as I can remember Brinkmann came to Ellrich as camp leader, but I can't state this with certainty anymore.

Q Is there anything else you want to add in response to my last question? (Ackermann-direct)

A I would like to state something fundamentally here.

Q I want you to limit yourself to facts.

A Facts. Yes. The entire responsibility for the misery in Camp Dora from the beginning until Dora became an independent camp is the responsibility---

PROSECUTION: I am not going to take time for generalities and apparently he has nothing else. I have nothing further.

THE WITNESS: ---is the responsibility of the camp commandant of Buchenwald SS Major Pister. I have to state---

PROSECUTION: I pray the court's judgement. I object to him rambling around a lot.

DEFENSE COUNSEL: If it please the court, I should like to ask for a recess at this time so that I can take the witness right from the beginning after lunch.

PRESIDENT: The court will recess until 1330.

(Whereupon the court recessed at 1155 hours.)

AFTERNOON SESSION

(The court reconvened at 1330 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present, prosecution and the defense are represented, all the accused are present, the interpreter and reporter are present. The direct examination of the witness Ackerman was completed just before the last recess.

JOSEF ACKERMAN, called as a witness by the prosecution, having been previously sworn, resumed the stand and, having been reminded that he was still under oath, testified further through an interpreter as follows:

PRESIDENT: The witness is reminded that he is still under oath.

WITNESS: Yes.

PRESIDENT: Herr Ackerman, at the time the court recessed you had not, or did not, complete the answer to the last question of the prosecution. Would you care to complete that answer now?

A It is not of very great importance. I only wanted to point out that in addition to the defendants sitting here in the defendants' dock, also the man Pister, from the concentration camp Buchenwald, carries some responsibility. In 1943, when the camp was opened, until the camp was declared to be an independent camp in the summer of 1944, during that time Pister was the highest authority in the camp. He conducted regular inspections of Camp Dora and he also saw all the misery that was going on there and he did nothing to discontinue that. This is all.

PRESIDENT: Cross examine.

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL

Q Herr Ackermann, will you please state to the court why you were a prisoner at Dachau, Buchenwald, and Dora?

A In the year of 1933, I was accused of suspicion of high treason; maybe further accusation, that I had written articles in some newspapers.

Q Was that the reason that you were imprisoned in a concentration camp?

A My first internment was made known to me for these reasons. When I was interned again, in 1939, for six years no reason has been made known to me at all. It was an automatic internment. Before the war broke out all so-called enemies of the state were taken into preventive custody and therefore I had to assume that the reason for my being taken into protective custody the first time also is the reason for my further internment. I was never interrogated as of 1939 or thereafter.

Q You have testified that during your presence at Camp Dora, you enjoyed certain privileges, such as additional rations, and also you had free access to all parts of the camp. Do you recall your testimony?

A Yes.

Q Did you enjoy similar privileges when you were an inmate at Buchenwald?

A Yes.

Q And did you enjoy similar privileges when you were a prisoner at Dachau?

A No.

Q Will you please state to the court why it was that you enjoyed a privileged position among the prisoners in Buchenwald and in Dora?

A To that I would like to say that I did not have an official privileged position which was given to me from the camp administration, but that certain positions of prisoners within the camp had brought along the possibilities of acquiring for them additional food and such things.

Q Now, will you please answer the question for the court which I put to you before?

A What was it?

Q Will you please repeat my question?

(The question was read by the reporter.)

A In itself I did not have a privileged position which had been picked by the camp authorities and given to me by them. I could explain

that shortly, for example: On account of my position as a clerk for the headquarters surgeon I had the possibility of walking in and out of the SS dispensary. There was sort of soup left over in the SS dispensary, which the SS personnel did not eat any more and we used to get it. This was not a directive of the camp administration, or from higher SS men, this just happened to come about.

Q Herr Ackerman, do you hold a medical degree?

A No.

Q Do you have any medical training, other than the experience you got at the camp?

A No. I would like to answer that, that for six years I worked along with the doctors in the camp, in the camp Buchenwald, and I also worked along with those doctors on a book of the camp doctor, Wilhelm Hoven, and this doctor, based upon that work in which I participated immensely, passed his examination at the University at Freiburg exceptionally well. But nevertheless I do admit that I am a layman as far as medical knowledge is concerned and that I do not have an experience in medicine.

Q Mr. Ackerman, are you an expert on V-2 weapons?

A No.

Q Are you an expert as to the importance of parts, or of any individual part, that goes to make up a V weapon?

A No, I do not understand anything of technical things.

Q You testified in the court that you performed a large number of autopsies, did you not?

Yes.

Q And that from these autopsies you were able to determine that the cause of death in most cases was exhaustion; did you not?

A Yes.

Q Did you perform histological examinations of the tissues of those bodies?

Q We not only conducted pathological examinations and autopsies, but we also conducted histological examinations of the tissues.

A And you, I presume, used the microscopic method, is that right?

A We conducted both a microscopic and macroscopic method.

Q Will you please state to the court from your experience with performing macroscopic examinations of histological tissues what is the difference between a cell of a person who has died from exhaustion and the cell of one who has died from normal causes?

A This is a question for a physician, but if I may tell you in short. But if a corpse is being brought in in a completely deteriorated and exhausted condition and if the autopsy of all parts of the body does not show any pathological findings and if the construction of the cells in a microscopic picture shows a structure which is corresponding to the picture of all standard works, then the death was brought about on account of exhaustion.

Q In other words, you want to tell the court that you can, by examining histological tissues, determine whether an individual has died from exhaustion. Is that correct?

A Yes.

Q Now, in addition to these autopsies which you performed, you also gave a number of injections to prisoners, did you not?

A I should have given injections? I never stated that.

Q You misunderstood my question. I didn't say that you had ever stated it, I am asking you whether or not you did give injections.

A No, I never gave injections.

Q And you have never made statements to anyone to the effect that you gave injections to prisoners?

A No.

Q I should like to call your attention, briefly, to the testimony you gave with regard to the accused Zweiner. Do you recall the testimony?

A Yes.

Q Do you recall that you stated that you had never attended a hanging and referred to it as a miserable affair?

A I had stated that I was near by and moved away, or that I had seen it through the window from a considerable distance, because I did not want to be present at such a miserable affair.

Q So you were some distance from the actual hanging when it took place, is that correct?

A Yes.

Q About how far?

A During the hangings on the roll call grounds it was about 100 meters and at the hangings at the lumber yard it was about forty meters.

Q Your eyesight is rather poor, is it not, Herr Ackermann?

A Yes, and it got poorer during my internment.

Q Yet you recognized Zwiener in spite of your poor eyesight, is that right?

A In a concentration camp I always had very good glasses because there you did not have to pay for them. In addition to that the features of Zwiener were very well known so that you could recognize him from a distance; also in addition to that, he was always standing up with the SS men together as the first camp eldest so that you could recognize him.

Q In these concentration camps they gave you very good optical attention apparently. Is that right?

A No. The concentration camp would not have given me anything, but we collected the glasses of the deceased prisoners and out of that I could pick for myself good glasses.

PROSECUTION: Did you say deceased or diseased prisoners?

INTERPRETER: Deceased.

QUESTIONS BY DEFENSE COUNSEL:

Q In other words, do I understand you were wearing glasses that were not fitted for your eyes?

A Oh, yes, no, this is a mistake. In the prisoner hospital we had a prisoner optician, and this prisoner examined my eyes and out of the thousands of eye glasses we had there he picked the glasses that fitted me.

Q They were not ground individually to your prescription, is that right?

A They were exactly the glasses that I needed and I am very sorry that I cannot find today while I am free the kind of glasses that I need.

Q I should like to recall your testimony in regard to the accused, Helbig, in regard to the issue of clothing to the prisoners. Do you recall your testimony in that regard?

A Yes.

Q Is it not a fact that Helbig was responsible to a supply officer whose name was Brenneis?

A Yes.

Q And is it not true that this supply officer, Brenneis, was the one who made the policy as to what clothing should or should not be issued?

A I believe that the overall directives were given by Brenneis.

Q You testified when the camp was evacuated that large supplies of clothing were to be found in the warehouse.

A Yes.

Q Did you see those supplies yourself?

A Yes.

Q Do you know when they arrived in this warehouse?

A That I do not know, but I do know that the supplies had been here previously to that because we were in contact

with our comrades who worked at the supply room and they said, "Well, there is plenty of it present but we cannot touch it".

Q But these particularly large stocks that you saw after the capitulation, do you or do you not know when these arrived at that warehouse?

A I did not see it after the capitulation, but I saw it before the evacuation.

Q That is the case I refer to?

A Yes.

Q Do you or do you not know whether those stocks that you saw on that occasion--on what date they had arrived?

A No, I do not know.

Q You have mentioned in regard to clothing that one particular winter the prisoners had gotten shoes and no stockings. Will you please tell what winter you referred to in that testimony?

A In the winter of 1944 the majority of the prisoners did not have leather shoes but these wooden shoes; and they had no stockings. Many of them had these so-called foot rags, that means that was a plain piece of rag which was wrapped around the foot.

Q When you say the winter of 1944, do you mean November and December of 1944 or do you mean January of 1944?

A January, 1944.

Q In other words, it was the beginning of the year, 1944?

A Yes, but also in the following winter I saw that there were very many people who did not have good shoes or stockings.

Q Did you not testify to the court that one of the prisoners had picked up some sheet metal to make a shoe horn with?

A Yes.

Q Was it for wooden shoes that he was going to use that?

A What he wanted to use it for I do not know. Maybe he was one of the few fortunate prisoners who owned leather shoes and for that reason he needed it.

Q You also testified that prisoners were made to stand out for long periods at roll call scantily dressed. Do you recall that?

A Yes.

Q About how many prisoners had to be accounted for in these roll calls?

A That depended on the camp strength and the camp strength increased the longer the camp existed.

Q Would you please just give the court a rough idea of the strength, say in the middle of 1944 when you were there? Just approximately, please.

A When I came to Dora the camp strength was approximately 8 to 10 thousand and that increased every week. Several months later they probably had 15 thousand already and I believe in Dora itself the camp strength increased up to 20 thousand.

Q This was a top secret project, wasn't it that these prisoners were working on?

A Yes.

Q From the standpoint of the administration it was very important to account for every man was it not?

A That was just as important as in every other concentration camp. I do not believe that the accounting for the strength of the prisoners had anything to do with the importance of the project. In Dachau and Buchenwald no secret project was going on and the roll call was taken just as strictly.

Q We are not interested in the procedure at Dachau or Buchenwald, however, in this particular camp which was engaged in a top secret project it was very important was it not to determine if any prisoners escaped?

A Keeping the thing secret could not have been the reason for the strict enforcement of the roll calls because there were also thousands of civilian workers employed and they every day went out among the civilian population to their acquaintances and could have spoken about it there too.

Q When these roll calls were held in the winter time didn't the SS men holding the roll call also have to stand outside?

A Yes, the SS men also had to stand out there in the severe cold, but the SS had more clothing.

Q Nevertheless, it was very uncomfortable for them too, was it not?

A Probably.

Q So therefore was it not to their interest to conduct the roll call as expeditiously as possible?

A I do not state that it was the bad intention of the SS to slow down the roll call. I also believe that they would

have been rather satisfied that it be conduc ed f.st but maybe it could be traced back to the fact that it took so long they were enraged about that fact and they committed some mistreatments.

Q You testified in regard to clothing also that the Post Surgeon wrote a letter to the administration, that you, yourself wrote, which requested that the prisoners be supplied with better clothing. Do you recall that?

A We wrote several such letters.

Q Will you tell the court just to whom these letters were addressed?

A These letters were addressed to Brennels.

Q In other words, Brennels, the supply officer, whom you mentioned previously in your testimony, is that right?

A He was not the supply officer, he was the officer in charge of all economical matters of the camp.

Q Do you mean by that he was the Post Supply Officer?

A With respect to all economical matters such as food, clothes, and such things.

Q Do you know of those reports ever reached Brennels?

A They must have reached him for all such letters were handed over and against a signature.

Q Do you know whether it was within the power of Brennels to disregard those requests, that is, to deny or grant them?

A I do not know what orders he had from his superior officers in Berlin.

Q But it would not have been the function of anybody who was under Brennels to make that decision, would it?

A Hardly.

and Helbig was a subordinate of Brennels, is that not so?

A Yes.

Q Now, with regard to the washing facilities of clothing about which you testified, Herr Ackermann, there was a great shortage of water at Dora, was there not?

A It wasn't so bad, but there was a definite lack of soap. I do not recall one occasion where soap had been issued to prisoners. Soap was one of the preferred items on the black market of Dora.

Q Soap was also very short among the civilian population of Germany was it not?

A Probably. I was not outside, but I only saw that the SS had plenty of soap. There were carloads full of soap in the tunnel.

Q Didn't the prisoners steal any of the soap that was in the carloads?

A Of course, if they had a chance to they also stole soap. They stole everything that they needed.

Q Some of these beatings that you have testified to were in punishment of some of these thefts were they not, Herr Ackermann?

A Part of this punishment undoubtedly was administered for these cases of theft.

Q When you saw some SS man beating one of the prisoners you didn't always know why he was beating him, did you?

A No, but in most cases the reason was that an SS man offered a lack of desire to work on the part of the prisoner.

Q You have testified that certain mail and communications

which were delivered to the camp commander, Foerschner, were handed over to his adjutant, the accused, Detmers, do you remember that?

A Yes.

Q Did you personally hand these communications to the accused, Detmers?

A No, I gave it to a prisoner who had the job or runner or messenger, and this prisoner, messenger, had to hand over the communication in the office to SS First Lieutenant Detmers and then turn in the signature for these letters to me.

Q Is it not a fact that the individuals who were responsible for receiving mail and communications in the camp commander's office were a man by the name of Schwartz and a Miss Sondemnan?

A The SS man Schwartz had about the same job or position as that messenger had with me, but the SS man, Schwartz, in no case would answer these letters or work over them, but of course he had to submit it to Detmers.

Q But this runner actually, physically, delivered the letters to Schwartz and not to Detmers, did he not?

A The runner gave it to whoever he met there. I admit that usually he only could have met Schwartz there because Detmers was very hard to meet there. He only came home in the morning drunk.

Q So, in other words, it is perfectly possible, is it not, that some of these letters did not reach Detmers?

A Theoretically it would be possible but with the SS it is impossible because a simple SS man would hardly have dared

to whithold a letter from a SS First Lieutenant and adjutant Detmers.

Q But nevertheless, you cannot be certain and you never saw anyone hand these letters directly to adjutant Detmers?

A No, of course I couldn't see that, but very often I received the answer from SS First Lieutenant Detmers, "By order of the commandant". By that it undoubtedly can be seen that I had received knowledge.

Q I should like to recall your testimony in regard to the accused, Andrae, who was in charge of the Post Office. Do you know whether any of these packages contained clothing?

A That I cannot say.

Q You testified what they did contain, did you not?

A It could be possible that in an exceptional case clothing was involved in those packages but not as a rule because the order read that no clothes were allowed to be sent in.

Q Will you tell for the court please, the approximate dates during which these packages were stolen, limiting yourself to the time when Andrae was in charge of that Post Office?

A That was exactly the time when the order was issued where packages were not to be issued to the prisoners any more.

Q And what was that time? Do you recall?

A Not any more exactly, but I believe it was in the late fall of 1944.

Q You never saw Andrae actually open one of these packages did you?

A He never let me w tch that.

Ackermann-Cross

Q You testified, I believe, that certain medicines were contained in these packages. Do you recall?

A Yes.

Q And that when the medicines which were removed by the SS were valuable medicines, and some of the less valuable ones were allowed to get through to the prisoners?

A I would like to formulate the answer in the following way: Before the order was issued prohibiting the prisoners from receiving International Red Cross packages, the prisoners in many cases brought us those medicines that they received in the packages to the hospital so that they could be used for the sick people, especially in the French packages very valuable medicines were contained such as grape sugar, and other nourishing things, strength providing things, but from that point on when the packages were not handed over to the prisoners any more and somebody else was in charge of the Post Office ... we did not receive any medicines except headache powder, but from that point on we did not receive any more the valuable medicines, therefore we had to draw the conclusion that because the packages themselves remained the same that these things are being withheld from us.

Q In other words, the sole reason which you want to give this court that you know that these valuable medicines were withheld from you was that at one time they were in the packages and at another time they were no longer in the packages?

A Yes, and because the packages of the International Red Cross were packed according to a standard way, we could not believe that from the same moment that Andrae took over the post office the International Red Cross would change the contents of the package.

Q Nevertheless, you never saw Andrae remove any medicines from any packages, did you?

A He took that away excluding the public or at least excluding the prisoners' presence.

Q Is it not a fact that all these packages were opened for censorship in front of the prisoner witnesses?

A The censor reasons were told us from the beginning. It was at the time when the packages were still distributed among the prisoners. They had to be censored before that by an SS man -- that means an SS man had looked through them to see whether there wasn't anything contained in them which was dangerous to the state. This was conducted in the presence of prisoners, but when the complete contents of the packages were taken away at that time there were no prisoners present.

Q How do you know there were no prisoners present?

A There could have been one or two stooges of Andrae present in order to give him a hand, but it was not any amount of prisoners present there.

Q You just stated you were never permitted to go into the room where these packages were opened, did you not?

A Yes.

Q Then how do you know who was or who was not in there?

A I had a personal friend in the Concentration Camp Dora who was working for several weeks under Andrae. This was the prisoner Kurt Glas.

Ta 27-elh-Nordhausen
11 Aug 47 - ?

Kurt Glas was working there for a few short weeks and he rather reported back to the tunnel to work there. He came to me and said, "This is quite some goings on there with the SS Staff Sergeants who put everything in their own pockets, and I do not want to be hanged one day because I saw too much."

Q Now, he was present when these packages were opened, is that right?

A Yes, together with two other prisoners.

Q Was he one of the two or three stooges that you mentioned was with Andrae to help open these packages and steal them?

A He was supposed to be degraded to a stooge and help along, but he refused that.

Q Did you ever see Andrae in possession of any of these valuable medicines?

A I had no authority to search his pockets.

Q Did you ever see him sell or trade any of these medicines for any other purpose?

A No, I did not see that, but I saw very many SS who were smoking Camels and who were eating chocolate.

Q Now, I should like to direct your attention to your testimony regarding Paul Faschein, please. Do you recall an occasion when certain death certificates were made for certain individuals who had died at Rottleberode and Paul Faschein had written them up without noticing that the cause of death had been omitted? Do you recall that on that occasion you filled in the cause of death without actually knowing what the cause was? Is that true or is that not true?

A I recall that I frequently sent letters to the SS Corporal Faschein to Rottleberode that I received death certificates where the cause of death had been omitted, because during that time we had very many corpses, and these corpses had been thrown into the -- could be taken to the crematory and were burned up before I had received the death certifi-

cates. It might be possible that I had said to Maischein, who frequently came back from Rottleberode, that I had to state a cause of death. It might be possible that somebody, maybe even I myself -- I do not recall any more today -- had added a cause of death. There was nothing else that could be done.

Q So, in other words, you filled in the cause of death on these death certificates without your personally knowing what the cause was; is that correct?

A I can not recall that and I do not want to admit it in this meaning, but it might be theoretically possible that if I do not have a corpse here any more and the SS men could not tell me what the cause of death was that we had agreed upon some kind of cause of death, whereby he would have said, "I recall that he was suffering on a heart ailment," and we might have put down "heart tuberculosis," whereby in this case, of course, the responsibility was carried by the SS men because he would have had to correct it.

Q Now, if that is the case it must be a fact that many of these death certificates that were prepared at Dora were not very accurate?

A There weren't many medical NCO's that were as neglectful as Maischein, who would forget everything. The others always stated a cause of death; however, I do not want to say by that that the cause of death that had been mentioned in this certificate was actually the cause of death. It was not always correct. If on one single day you have 200, 300, or 400 corpses, how do you want to find out for what reason somebody died?

Q Then I repeat my question to you: The death certificates as they were prepared at Dora are not a very accurate record, are they?

A I filled out these death certificates upon the information of the various dispensaries and in this case I had to depend on that because during that time I did not have any possibility any more at all to look at all the corpses.

Q Do you recall that you also testified in regard to the accused

Maischein that on certain occasions at night there were certain expeditions into the crematory? Do you recall that testimony?

A Yes.

Q Now, isn't it a fact that there was a very strong rule against running the crematory at night because the flames would cause airraids to be sent upon the camp?

A Any such order is not known to me, but I do know that the prisoners at night were sleeping at the crematory and on those nights when the SS was busy up there they were to receive the order that during that night no prisoner was allowed to sleep there.

PRESIDENT: The court will recess for 15 minutes.

(Whereupon the court recessed at 1445 hours.)

* * * *

(Whereupon the court reconvened at 1505 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: May the record indicate that all members of the court are present; prosecution and defense are represented; all the accused are present; the interpreter and reporter are present.

The witness Ackermann was on cross examination at the end of the last session.

PRESIDENT: The witness is reminded that he is still under oath.

JOSEF ACKERMANN, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, testified further through an interpreter as follows:

CROSS EXAMINATION (continued)

QUESTIONS BY DEFENSE COUNSEL (continued):

Q Mr. Ackermann, you will recall that just before the court adjourned you were speaking about an order and you were testifying to Paul Maischein?

A Yes.

Q And I believe you stated that you did not know of any such order, meaning by that that you did not know of any order prohibiting the crematory

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A Yes.

Q And I believe you stated that you did not know of any such order, meaning by that that you did not know of any order prohibiting the crematory

from working at night as an airraid precaution?

A I did not receive any knowledge of such an order, but I know that normally the prisoners slept in the crematory at night, but during special secret incidents which occurred that the SS were to take care of, the order was given that the prisoners were not permitted to sleep in the crematory -- in other words, outside their blocks.

Q Do you know whether on those special occasions the fires in the crematory were lighted?

A The fires were lighted.

Q And do you know exactly what part or parts Paul Maischein played in those incidents?

A No. I can only say that once when everything was locked up again at night that in a group of six SS people that these stepped out of a group of SS people who were going down to the camp and they went over to the crematory. What these SS men did in the crematory I can not say.

Q Do you recall an interrogation in which the accused Maischein was present and in which you admitted that had not it been for the fact that the accused failed to report certain critical remarks that you made about the heads of the German Reich it would have cost you your life? Do you recall that?

A Yes, I stated that in many occasions, one could say, very unpleasant things about the accused Maischein, but on many occasions he did not make reports on things that he could make reports about. An example: I repeatedly had political discussions with Paul Maischein. I have never spoken to him any other way as to say that these SS criminals will hang on the gallows some day. A year before the end of the war I said I am sure that this war will be lost by Germany. If he would have gone to my SS superior and had reported this to him I would probably have hanged immediately. Another example: I have repeatedly during discussions or arguments that I had with him I called him an idiot, a dumbhead, an oxhead, and all other kinds of

names and in an official matter he only went to SS First Lieutenant Dr. Kahr and complained whiningly that I degraded him in front of all the prisoners in such a manner. If he would have gone to the camp leader I would have been immediately sent to the bunker and been hanged. SS First Lieutenant Kahr only told him that "if Ackermann said something like that it must be right."

Q Now, isn't it further a fact that the accused Maischein voluntarily reported to your house in Munich -- came to see you in Munich?

A That is a fact that he reported to me. It was the expression of the most primitive naiveto. He came with the remark "I never did anything to you."

Q And you turned him in, didn't you?

A No, he wanted to have a reference from me. I am in an official position. He said that he at the end of the war had concealed himself and that he had concealed the fact that he had ever been an SS man in a concentration camp; he identified himself with false papers; therefore, he had never been in captivity, not even for one minute. It was known to me that before Maischein came to Buchenwald and Dora he was the block leader in the concertration camp Auschwitz. The SS Technical Sergeant Lorenz told me in Dora that Maischein in Camp Auschwitz had behaved in an extremely brutal manner toward prisoners and that was the darkest chapter of his life. I was placed before the question that a man who perhaps was being searched for as a war criminal to give him the possibility to disappear somewheres unknown. In a correct manner I went to a superior American authority and stated that today so and so appeared at my house; he requested me for a good reference, and I can not issue such a reference; there are several dark incidents which must be cleared up in his activity as an SS man. Thereupon this officer told me, "We would like to investigate this man further." In my position I couldn't act any other way.

Q Now I would like to recall for your testimony, please, your statement with regard to the accused Klon.

(ACKERMANN-Cross)

A Yes.

Q Is it not a fact that Simon also, like Helbig, was a superior officer?

A Yes, but there can be no comparison made between the position which Helbig held and the position which Simon had. Helbig was a very little SS man who executed the orders and who was placed there in the supply depot to throw a pair of pants or a jacket at the prisoners, whereas, on the contrary, Simon was the actual man of the camp.

Q Was there not an SS oficer by the name of Hauptsturmfuehrer Schwartz who was a labor allocation officer?

A He came later. He actually received this title but the actual man who did everything was Simon.

Q And before Schwartz, isn't it a fact that the labor allocation officer was Untersturmfuehrer Kurtz?

A There was somebody there but for all practical purposes Simon was the one that appeared.

Q And isn't it further a fact that from the 2nd of January 1945 until the closing down of the camp the labor allocation officer was Obersturmfuehrer Zell?

A That I don't remember any more, but it is possible that somebody formerly officially was his superior.

Q And do you know of your own knowledge whether Simon disobeyed the orders of his superiors?

A I don't know whether he had any orders whatsoever. The type of role that the simple Sergeant Simon played may be shown from this example ---

Q I don't care for any example at this time.

PROSECUTION: I ask that the answer be completed, may it please the court.

DEFENSE COUNSEL: That is all right. Defense will stipulate that he may complete his answer.

A Yes.

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Q Now, this position as work allocation leader necessitated making certain assignments, of just where prisoners were to work, in what details and in what jobs they were going to work, is that not so?

A Yes.

Q And you have testified that there were at this Camp Dora approximately from eight to ten thousand at the beginning, from large numbers up to twenty, twenty-five thousand at the end; is that so?

A Yes.

Q Some of this work, or, rather, a large part of this work in the construction of this V-2 weapon was highly specialized, was it not?

A Yes.

Q And what you are telling the court now with regard to the accused Simon is in effect, is it not, that an [illegible] Tech Sergeant or a Staff Sergeant, I believe you called him, had supreme authority to assign workers wherever he saw fit in a project involving one of the most vital weapons which Germany was constructing and that neither his immediate superior, the work allocation officer, nor the Camp commander could control him; is that right? Is that what you want the court to believe?

A I don't want to tell the court anything about that. I just want to state that the deductions of the defense counsel are incorrect. The fine, technical work of technical specialists was the smallest part of this organization. That part which executed the very fine technical work was relatively small. The mass of the other manual working prisoners -- Simon disposed of these people like a king in his empire. Simon dared to commit such people who had been designated by the camp doctor for only

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very light work and used them for the heaviest work. He didn't pay any attention to these orders. Therefore he was in a position to act contrary to the orders of an SS First Lieutenant.

Q Mor, now do you know that it was Simon and not his labor allocation officer who overruled the requests of the medical officer?

A Because the work statistics stated, "or er from Simon", thereupon we made a written request to Simon, and he didn't pay any attention to it whatsoever.

Q Did you address this order directly to Simon or through the camp commander?

A He issued a certificate for the prisoner stating "only to be used for light work", and he was designated by Simon for heavy labor. Both the camp doctor, Dr. Kahr and Dr. Kurzke will be able to give you more details about this.

Q Now, now do you know it wasn't Simon's superior officer who refused to excuse those men from work?

A Because he didn't do anything whatsoever, he was only there in name.

Q And I believe you testified he was drunk most of the time, didn't you?

A Simon, Oh yes, very often.

Q So again you want the court to believe that this vital job of work allocation for one of the most important projects in Germany was controlled by a drunken technical sergeant, is that correct?

A Yes, that is correct, but one must be able to make a picture of what his position actually was. It was not a position that required any particular intelligence, it required only the necessity for being able to put on the pressure to speed up the amount of work that was required. For this no intelligence is necessary, it is only energy that is required, one being only brutal, and that is what was necessary.

Q Didn't Simon determine whether one particular man was going to work on the rock pile or in the tunnels?

A In individual cases he did that.

(Ackerman-Cross)

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Q Didn't Simon determine whether one particular man was going to work on the rock pile or in the tunnels?

A In individual cases he did that.

Q And didn't he decide whether a group of men were going to work on a blasting detail or whether they were going to be assigned to work for a mittel werke?

A That I don't know.

Q Who made that decision?

A That I can't say.

Q But it was not Simon?

A It could have been, but if he was, I don't know. He had all power in the camp over whatever constituted labor. I never saw that Simon actually beat anybody; I don't believe he ever did, but even in civilian life, if a manager appears who puts the pressure on his subordinates, these subordinates continue to put the pressure downwards until the pressure is intensified so that the man who is at the top is actually responsible for the speed of the work, the tempo of the work, the severity of the work, and the amount of work that is actually required.

Q And in your opinion it was Simon who was the top man, is that right?

A Yes.

Q Now, you have testified during the course of your statements on direct examination that Simon was drunk most of the time; that Detmers was drunk most of the time; and several of the other accused were drunk most of the time; and also that the prisoners were in such a weakened condition they could hardly work?

A Yes.

Q Can you explain to the court just how any V bombs ever got made under that kind of a setup--don't answer that--I will withdraw that question. You made a statement, did you not, in the course of your examination that Simon had made a report on Dr. Kahr to Berlin accusing him of sabotage?

A No. I said that Simon got in touch with Berlin to remonstrate

against various measures which Dr. Kahr had ordered within the camp, and in order to reprimand Dr. Kahr, or rather to accuse him, that the efforts of Dr. Kahr were in the direction of making the work of the prisoners lighter, which would represent a sabotage of the production of the V weapons. Dr. Kahr was more humanitarian and neglected thereby the production of this weapon. The concentration camp had not been set up for humanitarian purposes but to produce weapons.

Q Now, in sending this report to Berlin, or making this report to Berlin, I assume that Simon communicated directly with Berlin, did he?

A Through which channels he got in touch with Berlin, I don't know. He received this report back from Berlin. Dr. Kahr can give you more details about this.

Q Did you ever see the report that he made to Berlin?

A Yes, and I also wrote the reply thereto.

Q And just what did the report say?

A I did not see the original report of Simon, but the extracts were citations from the report of Simon.

Q The report which you saw was not signed by Simon, is that right?

A We received a so-called "reprimand". We were hauled out, and as an explanation for this reprimand, or for this scolding was stated that Staff Sergeant Simon had complained about Dr. Kahr, about his humanitarian methods. If I am not mistaken, there is actually a copy, a literal copy of the letter which Simon wrote attached to this note.

Q And who did you receive the reprimand from?

A I didn't receive that, Dr. Kahr received it, from some office in Berlin which had something to do with the V-weapons. I can't remember exactly which one it was. If I am not very much mistaken, General Kammler wrote this letter.

(Ackermann-Cross)

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(Ackermann-Cross)

Q And was the letter addressed directly to Dr. Kuhr, or did it come through the camp commander?

A I believe this letter came to the camp commander and the camp commander notified Dr. Kuhr in a friendly manner about this letter.

Q And the camp commander turned over this letter to Dr. Kuhr, is that correct?

A Yes.

Q And that is when you saw it, is that right?

A Yes.

Q You have testified also with regard to Sitzen that on occasions he would punish individuals by making them stand on top of a stone pile. Do you recall that?

A Yes.

Q I believe you stated that you were never present at any of these punishments, but that you saw them from a distance through your window, is that right?

A I know that I passed this man at least 10 times a day and he was always standing upon that heap of stone. I saw it at a distance of a half a meter.

Q And this was on more than one occasion, was it?

A Yes.

Q And each time you passed a half a meter away?

A Yes.

Q And how did you know that it was Sitzen who had prescribed this punishment?

A Because we immediately inquired from the roll call leader who had that man stand up there, and he said that the labor allocation leader, Sitzen, ordered that punishment, and "I am not big enough to be able to get that man down again without the permission of Sitzen".

(Ackermann-Cross)

Q And did you testify for what reason this punishment was imposed upon this one occasion about which you are talking?

A After inquiring at the roll call leader, labor allocation leader, Simon, had this man placed up there on the rock pile because he was supposed to have been lazy during work.

Q Where was the stone pile?

A It was quite near the gate, therefore, right near the roll call leader.

Q What kind of a stone pile was it?

A It was a heap of stone.

Q And it was standing there all during the time you were at camp?

A Not during the whole time. We got rid of it over a period of time and then this heap of stone wasn't used for anything any more. Perhaps it would still be there if we hadn't got rid of it. In Buchenwald the heap of stones remained there for six years, only for the one purpose of having prisoners stand up there or run over it for punishment reasons.

Q Could you show us on the map where this stone pile was?

A Yes. This is the entrance (indicating). The entrance is here (indicating), right here where it is marked "entrance" (indicating). The SS camp is here on the right (indicating), and right here on the right on the roll call ground--if this is the roll call ground (indicating)--right here to the right of the entrance (indicating) is where the heap of stones was.

DEFENSE COUNSEL: Let the record show that the witness has pointed out a place on Prosecution Exhibit 22 approximately two inches to the right of the entrance to the camp.

PRESIDENT: Will you ask the witness to put the pointer on that spot and stand aside so the court may see it?

THE WITNESS: (Indicating) If this is supposed to be the roll call field and this is the entrance to the actual prisoner camp, then this heap of stones was almost next to the entrance a little to the right, exactly here.

(Ackermann-Cross)

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DEFENSE COUNSEL: Let the record show that the witness has pointed out a place on Prosecution Exhibit 22 approximately two inches to the right of the entrance to the camp.

PRESIDENT: Will you ask the witness to put the pointer on that spot and stand aside so the court may see it?

THE WITNESS: (Indicating) If this is supposed to be the roll call field and this is the entrance to the actual prisoner camp, then this heap of stones was almost next to the entrance a little to the right, exactly here.

(Ackermann-Cross)

QUESTIONS BY DEFENSE COUNSEL:

Q And it was right on the roll call square?

A Directly on the roll call square. The roll call field starts immediately after the entrance.

Q Do you recall your testimony with regard to the witness, Valenta?

A Yes.

Q Didn't I understand you to say that on several occasions he came to you and to other inmates and stated that he had authority to arrest people in the name of the Gestapo?

A He didn't say it to me and others, he just came to me and said that he was the assistant of the Gestapo leader, Sander, and he came quite often and said he had to take civilian persons in the city of Nordhausen into custody.

Q And did he say that in front of other prisoners as well as you?

A In this sense he expressed himself in the presence of other prisoners, in particular, in front of the prisoner, Ferdinand Karpik. He furthermore stated that Sander had already applied for his release. It was only a question of several weeks until he received his formal discharge as a prisoner. He was not considered a prisoner today any more, but rather as the assistant of Sander. These statements were very plausible due to the fact that Valenta was running around with a hat on. Never did it happen in the history of the prisoners that they had a hat, and he also didn't have a prisoner's number.

Q Well, now, didn't this make the other prisoners very suspicious of him?

A Yes, but he immediately suppressed our suspicions by saying, "Naturally I am with you; I am your man; and that I only have to help Sander."

PROSECUTION: Excuse me. Did he say that "I have to help him" or "appear to have to help him"?

[illegible]: But I am in this position where I must help him, but I will take care of your interests.

QUESTIONS BY DEFENSE COUNSEL:

Q Didn't he come to you with a pair of steel handcuffs and threaten to arrest you for the Gestapo?

A Yes.

Q And you told this to all the other prisoners, did you not?

A The prisoners even heard this. He came into my office and there were at least a dozen there who were present.

Q Well, a thing like that would be very widely publicized in the camp almost immediately among all the prisoners?

A Naturally, but he expressed himself in this way and got out of it in this way, that he had this order from Hundar, and as a prisoner, of course, he could get out of it in this way, but it is true that from this time on he showed that he had received steel handcuffs from his master and from his man, nobody believed him, nobody trusted him any longer.

Q Didn't you state in your testimony that on several occasions after this occurred and after the steel handcuff incident occurred there were several people or prisoners who because of being friendly with Walenta later on were arrested and some of them were hanged?

A That was before.

Q You say now that it was before, is that correct?

A Yes. Later on there were others arrested, but not from this close circle inside the prisoners' dispensary.

Q You never saw Walenta kill anyone himself, did you?

A No, No.

Q May we talk for a little bit about your testimony regarding the accused, Jacobi?

A Yes, but I don't know very much about Jacobi.

Q I would just like to put two questions to you about Jacobi, Number 1, was he ever brutal to you?

UESTIONS BY DEFENSE COUNSEL:

Q Didn't he come to you with a pair of steel handcuffs and threaten to arrest you for the Gestapo?

A Yes.

Q And you told this to all the other prisoners, did you not?

A The prisoners even heard this. He came into my office and there were at least a dozen there who were present.

Q Well, a thing like that would be very widely publicized in the camp almost immediately among all the prisoners?

A Naturally, but he expressed himself in this way and got out of it in this way, that he had this order from Sander, and as a prisoner, of course, he could get out of it in this way, but it is true that from this time on he showed that he had received steel handcuffs from his master and from his man, nobody believed him, nobody trusted him any longer.

Q Didn't you state in your testimony that on several occasions after this occurred and after the steel handcuff incident occurred there were several people or prisoners who because of being friendly with Kalenta later on were arrested and some of them were hanged?

A That was before.

Q You say now that it was before, is that correct?

A Yes. Later on there were others arrested, but not from this close circle inside the prisoners' dispensary.

Q You never saw Kalenta kill anyone himself, did you?

A No, No.

Q May we talk for a little bit about your testimony regarding the accused, Jacobi?

A Yes, but I don't know very much about Jacobi.

Q I would just like to put two questions to you about Jacobi, Number 1, was he ever brutal to you?

Q Number 2, did you ever see Hi consult any original act?

A No.

Q Now, I should like to come to your testimony with regard to a certain incident in which an SS Major Dingschuler said to you in a conference which you had with him that he would have to consult Major Rickney about certain things. Do you recall that testimony?

A Yes.

Q This doctor, Major Dingschuler was the science, the hygienic consultant for all concentration camps in Berlin, is that so?

A Not for all camps, but for Buchenwald and Dora.

Q His office is in Berlin, is it not?

A His headquarters, the Hygienic Commission of the Armed SS was in Berlin.

PROSECUTION: There is a doubt in my mind about the translation. He said the Dingschuler office was in Berlin.

INTERPRETER: No, sir, his headquarters was in Berlin--the Hygienic Committee for the Armed SS.

QUESTIONS BY DEFENSE COUNSEL:

Q And was Dr. Dingschuler's office normally in Berlin, and did he just come down on inspections, or did he have offices in Dora?

A His office and his permanent place of duty was in Buchenwald, but he had been commissioned by his headquarters in Berlin, the Hygienic Committee of the Armed SS as the highest, supreme, hygienic officer for Dora.

Q He had, in other words, a very high medical position, did he not?

A Yes.

Q And I believe you testified that at this particular conference which you had with him you were alone with him, is that right?

A Yes.

Q Can you explain to the court, please, how it happened that a prisoner such as yourself, who had no privileged position, as you have testified in your testimony prior to this time, could be holding a conference with a man of Dr. Dingschuler's official position?

A I knew Dr. Dingschuler from Buchenwald. Dr. Dingschuler often came to me in the night at 11:30 and had a conversation with me which lasted for hours.

Q Was this at Dora or at Buchenwald?

A That was in Buchenwald. And when he came to Dora the first time and ate and drank in the SS mess he telephoned down that I was to come to him and an incident occurred which perhaps seemed--will seem more strange to you. He introduced me to the commanding officer and all the officers there as the freshest prisoner whom he had ever met, but declared in the same moment that he needed me and that he would like to give me some wine, otherwise, I would not be in a position to work. That was all possible in a concentration camp. The next day he threatened to kill me with a pistol shot. That was also possible.

PRESIDENT: The court will recess for 15 minutes.

(Whereupon the court recessed at 1600 hours.)

* * * *

pld-29-1

(Whereupon the court reconvened at 1515.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all members of the court are present, the prosecution and the defense are represented by counsel including German counsel, all the accused are present, the reporter and the interpreter are present.

The witness Ackermann was on the stand at the end of the last session undergoing cross examination.

JOSEF ACKERMANN, called as a witness by the prosecution, being reminded that he was still under oath, resumed the stand and testified further through an interpreter as follows:

CROSS EXAMINATION, continued

QUESTIONS BY THE DEFENSE COUNSEL:

Q Now Herr Ackermann you were testifying just prior to the last recess of the court with regard to your meeting with Major Ding Schuler. Now I take it from your testimony that your visit with Major Ding Schuler at that time was more or less social in nature is that right?

A No he was on an inspection visit officially in Lora and spoke to me in his official capacity.

Q Where did this conversation take place?

A It took place in the SS Dispensary.

Q Then this was not the occasion to which you referred previously in which he called you to come to him, is that right?

A No, I only mentioned this as an example.

Q On this particular occasion then he visited this camp dispensary and saw you there, is that right?

A Yes.

Q Did he ask you questions about the sanitary conditions at the camp?

A No. We only spoke about the plan to extend the entire project to one quarter of a million persons.

(Ackermann-cross)

Q Then at that time he said to you that before this extension could take place he would have to talk to Manager Rickhey, is that it?

A No, he didn't say until this extension this expansion could take place that he would have to speak to Rickhey, but before this plan could be definitely fixed he would have to speak to Rickhey.

Q This plan, however, was an overall plan for expansion of the entire productive capacity of the factory at Mittel Werke isn't that so?

A Yes.

Q Did you ever see Mr. Rickhey in camp at any time?

A I can't remember.

Q Did you ever hear that he visited the camp at all?

A Yes, we knew that Rickhey had his residence somewheres within the tunnel.

Q That was not in Dora itself was it?

A I hear later on and actually visited myself later on his office which was in the neighborhood of Dora. It was slightly off to the side.

Q Where exactly?

A I don't know the place exactly anymore. It was between Harzungen and Nordhausen. I drove there with a car and admired the beautiful rugs that Director General Rickhey had in his room.

Q You did not see him there at that time did you?

A No.

Q Do you know whether or not that office was located at Ilfeld?

A As far as I can remember it was not in Ilfeld itself, but in the vicinity of the camp Ilfeld. There were two barracks constructed there, but there were no buildings in the vicinity whatsoever.

Q Would you look at the map there at your right and note on that map where Ilfeld is? You will notice that it is not between Harzungen and Nordhausen is it?

(Ackermann-cross)

pld-29-3

A It is unnecessary to search here on this map. I was under the impression that it was between Harzungen and Nordhausen, but I am not sure. I can't state it exactly anymore.

Q Permit me to point out to you that this is Nordhausen and here is Harzungen and here is Ilfeld. Now, can you indicate to the court approximately where this place was that you visited, where Mr. Rickhey had his office?

A I was driven there by car. I had it in my mind that it was somewheres in the neighborhood of Harzungen.

Q In otherwords you do not recall exactly where it was is that it?

A No, I can't, but I can describe exactly how itwas furnished.

Q Now the expansion of a productive plant such as Mittel Werke was would certainly be a top secret project would it not?

A Well I registered all those top secret documents. I even carried the SS Death Head Division stamp around in my trousers pocket. I even answered all top secret matters personally after talking to my superior. If my SS Major wanted to go on leave illegally I even issued a pass for him and I even wrote on this top secret matter. This matter was not so secret. Three days after this work was opened we knew exactly where it was, what it was and what was being produced there. We had already agreed with some of the prisoners in Buchenwald who were to be shipped to Dora that they were to place a note in the rear end of a corpse to describe what was going on there, and there was a continuous messenger service between Camp Dora and Camp Buchenwald. I even illegally left the Concentration Camp Dora, entered Concentration Camp Buchenwald immediately. I left Dora in the morning and left Buchenwald illegally and returned to Camp Dora illegally in the evening--where I had gone there for a conference.

SS Major, Doctor Ding Schuler told me, "You can know all top secret matters because you are not going to get out of here again anyhow."

Q But he didn't know, of course, that you could leave camp anytime you wanted to?

A Well, the SS didn't know many things.

Q I would like to ask you to recall your testimony with regard to the subcamp of Harsungen. Will you please tell the court what the distance was from the camp where the prisoners had to answer to roll call to their place of work?

A That I cannot say because I was never present to this way to work but I know from the reports of the camp Doctor in Harzungen that the many foot diseases were due to the fact that a part of the prisoners had a very long way to walk to work.

Q Do you know where the place of work was?

A No, that I don't know.

Q Isn't it a fact that the prisoners at Harsungen were taken to work on a railroad?

A The railroad itself didn't go many times. The original plan to have the prisoners transported to work by means of the railroad was not carried out due to economical reasons.

Q Well, would you please elaborate to the court what you mean by that? What do you mean by economical reasons?

A For some sort of economical difficulties.

Q There was a railroad, however, that connected the camp of Harzungen with the place of work, was there not?

A And which for a period of time did bring the prisoners there.

Q Do you know what period of time that was?

A That I don't know, but I know that the camp Doctor one day came and said, "Now the prisoners will not be able to be taken there by railroad, they will have to go on foot."

Q What time of the year was that?

A That I don't know anymore.

Q Do you remember the year?

A I believe it was the end of 1944.

Q Do you know how many shifts the prisoners worked at Harzungen?

A That I don't know.

Q Now you have testified quite extensively as to the death rate in Dora. Isn't it true that at the beginning the death rate was relatively high, that toward the middle part of the time that Dora was in operation the death rate got lower and that at the end the death rate increased again?

A The other way around. There seems to be a misunderstanding here. The death rate was very high at the beginning and the end. In the middle it was normal.

Q That was my question. Isn't it true that the high death rate at the beginning was due to the fact that there was a great deal of construction going on and that the entire project was an emergency project and there was a great hurry to get it started?

A The last point first of all, and that is the guilt that we find here; that so much pressure was brought to bear to bring these damnable V weapons into production, that one considered the production of these V weapons much more important than the lives of the prisoners.

Q Isn't it also a fact that the high death rate at the end of this period was caused by the fact that transports came in from other camps in which the prisoners were in very poor physical condition?

A Yes. But furthermore, that this bringing in of so many prisoners expanded the camp to such an extent and that through this expansion the conditions deteriorated tremendously.

Q So that during the middle period when the camp was operating at a more or less normal capacity the death rate was at its lowest, isn't that correct?

A It was lower, but it was still enormously high.

Q Now the administration of the camp had no control over what priority a given project of construction of weapons was given in Germany did they?

A I don't quite get the question.

Q The administration of the camp had the order to urge and press the production and construction of these V Weapons as much as possible and this order came from the higher administration in Berlin did it not?

A Without doubt.

Q Now the administration at the camp had no control over what transports would be sent to the camp from other camps, did it?

A No, because this happened often very rapidly.

Q That also was prescribed by some higher headquarters in Berlin was it not?

A Yes, but in our opinion at that time the camp administration could have protested to Berlin very energetically against this expansion of the camp which meant the distruction of the camp in the end.

Q You mean in the opinion of the prisoners when you say "Our Opinion"?

A Yes.

Q Now may we talk a little it about your testimony in regard to this transport in which you were in Mr. Ackermann?

A Yes.

Q Did you see the accused Major Moeser personally kill anyone on this transport?

A No.

Q Did he organize this transport himself? Did he think it up, orwas he simply following orders in being the transport leader?

A I can only say that he was the leader of this transport. He walked around with a revolver in his hand at the head of the column.

Q Now this transport was very disorganized and there was great confusion, was there not?

A I have never seen anything of the SS that was well organized. If it depended upon the SS there would not have been any concentration camps at all, because the prisoners were the ones that helped organize these things, as otherwise they would have all died.

Q It was, nevertheless a fact that in this particular transport there was a great deal of confusion and disorganization?

A The transport was organized and led as headless as the entire war.

Q And it was difficult to keep discipline in this transport, was it not?

A That I wouldn't say, that it was difficult to hold the discipline. One had to figure with the fact that the one or the other prisoner said good bye too soon. But otherwise the discipline would not have been disturbed in any manner whatsoever.

Q You, yourself, felt it neecessary to carry a carbine, did you not?

A I? No, no, no. I never had a carbine or I would have shot the next one down immediately. That they didn't dare to, to give a political prisoner a carbine in his hand.

Q You mean you would have killed them indiscriminately, is that correct?

A I would have att least searched out a few of them before I would have left in the fourth night.

Q Don't you believe that a man should be given a trial before he

is killed?

PROSECUTION: I pray the court's judgment.

DEFENSE COUNSEL: I withdraw the question.

Now you testified that Woeser put a stop to Russian canibalism that was taking place; isn't that correct?

A He came to me and asked who was in charge of the prisoners' dispensary. I reported to him because I was in charge of this prisoners' dispensary. He said,"Send your litter carriers immediately to the Russian railroad cars; that is a bestial thing there, they are eating up their own comrades." And I immediately ordered my litter carriers to go back there and to carry out the corpses.

Q Why did not Woeser simply issue food to the Russians, in order to stop their eating each other?

A Perhaps the SS wouldn't have had sufficient food, then. They would have had a little less food.

Q Now in your particular car you neither saw nor heard of any deaths, did you?

A I would like to emphasize, however, that in my railroad car were the male nurses and the personnel of the dispensary. These prisoners were better nourished, therefore they were in a position to hold out under these conditions much better than the others.

PRESIDENT: The court will recess until nine o'clock tomorrow morning.

MILITARY GOVERNMENT COURT

CASE RECORD

Volume 4
Pages 253-

CASE NO. 000-50-37

PROSECUTOR Lt. Col. W. Herman

*SUMMARY
INTERMEDIATE MILITARY COURT
GENERAL

DEFENSE COUNSEL Major L. Poullada

INTERPRETERS Nelly Singer,
~~Simon Weisglas~~

PLACE Dachau, Germany

REPORTERS Gloria M. Spears
~~Mary T. Williams~~
Peter L. Dicurti
~~Eunice L. Nasdorff~~
~~Mabel D. Holt~~

DATE 12 August 1947

WITNESSES

JOSEF ACKERMANN, ~~Hendrikus Cornelis Jans; Samuel Leone~~
~~Crosswald~~.

ACCUSED ARTHUR UNT ANDREAE, et al

ADDRESS _____ SEX _____ AGE _____

FIRST CHARGE SECOND CHARGE

PLEAS

FINDINGS

PREVIOUS CONVICTIONS

SENTENCE

IMPRISONMENT (TERM _____
(BEGINNING _____ 194_____

FINE AMOUNT _____
TO BE PAID BEFORE _____ 194_____
FURTHER TERM OF _____ IMPRISONMENT

CHARGE SHEET AND RECORD OF TESTIMONY ARE ANNEXED HERETO.

_____
SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY _____

_____

_____
SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

R E C O R D O F P R O C E E D I N G S

In trial of

THE UNITED STATES Versus ARTHUR ANDRAE, et al

by

GENERAL MILITARY GOVERNMENT COURT

tried at

DACHAU, GERMANY BEGINNING 7 AUGUST 1947

12 August 1947 Pages 253 thru 333

T E S T I M O N Y

WITNESS:	Direct	Cross	Redirect	Recross	Court
JOSEF ACKERMANN			266	277 284 290	287
HENDRIKUS CORNELIS IWES	292	309	327		328
HERMEL LOUIS GROENEVELD	329				

MORNING SESSION

(Whereupon the court reconvened at 0900 hours, 12 August 1947.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all the members of the court are present; the prosecution and defense are represented; all the accused are present; the reporter and interpreter are present.

The witness, Ackermann, at the end of the last session was undergoing cross examination.

DEFENSE COUNSEL: May it please the court, with the leave of the court at this time the defense would like to offer for the record the certification of the German attorney, Dr. Konrad Max Trimold.

PRESIDENT: It will be included in the record.

The witness is reminded that he is still under oath.

JOSEF ACKERMANN, called as a witness for the prosecution, being reminded that he was still under oath, continued to testify through an interpreter as follows:

CROSS EXAMINATION (CONT'D)

QUESTION BY DEFENSE COUNSEL:

Q Now, Herr Ackermann, at the close of the last session you will recall that you were telling the court your experiences in this transport in which you participated.

A Yes.

Q And I believe you stated that in your particular car no deaths occurred, is that correct?

A No, in my car as long as I was present, and I was only there for four days, I ran away, there were no deaths; but I can

stote that in the other cars there were repeated deaths all the time as my litter carriers had to carry out corpses all the time.

Q You had previously testified on cross examination that during the train ride of this transport you saw no corpses whatever, is that correct?

A That is not quite correct. I did see how my litter carriers did carry out corpses and drive away with them, but I didn't personally determine that anybody had died in any of these cars.

Q I believe you further testified that the only corpses or dead people which you saw personally was during the foot march, is that correct?

A Yes, those were people who had been shot to death. I saw that on the foot march.

Q And you were at the head of the column on this foot march, were you not?

A I was at the head of this column, yes, but at that time I didn't see any dead bodies at all, but later on I went further back and that is when I did see the corpses.

Q During that transport, either the railroad part of it or the foot march part of it, did you see any of the persons who are accused here kill anyone?

A Of these accused, no.

Q You will recall your testimony with regard to the sabotage and the fact that the prisoners would appropriate certain bits of metal, etc., for their own use, do you recall that testimony?

A Yes.

Ackermann-Cross

Q You explained your testimony at a later time and you made the statement that the parts which these prisoners took and for which they were accused of sabotage were unimportant bits of scrap, do you recall that?

A Yes.

Q You will also recall that one of the first questions which I put to you yesterday was whether or not you were an expert in V-2 weapons.

A No.

Q To which you answered no, is that correct?

A Yes.

Q Will you explain to the court how, not being an expert in V-2 weapons you are in a position to determine or to base your judgment on which parts or bits of metal were or were not vital to the manufacture of these V-2 weapons?

A I believe it is not necessary to be an expert to know that if a prisoner takes a piece of wire of which there was sufficient lying around, for the purpose of tying up his shoes or keeping his shoes on, that it would not have been so important for the production of the V-weapons for the German industry.

Q What kind of wire was this to which you have referred?

A That was just an ordinary piece of wire that was lying around in sufficient quantities on the way.

Q Do you mean by that that to you it appeared to be an ordinary piece of wire, is that correct?

A Even as a layman it didn't seem to me that way, but it was just an ordinary piece of wire of which there was kilometers of this type of wire lying around.

Q You explained your testimony at a later time and you made the statement that the parts which these prisoners took and for which they were accused of sabotage were unimportant bits of scrap, do you recall that?

A Yes.

Q You will also recall that one of the first questions which I put to you yesterday was whether or not you were an expert in V-2 weapons.

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Q What kind of wire was this to which you have referred?

A That was just an ordinary piece of wire that was lying around in sufficient quantities on the way.

Q Do you mean by that that to you it appeared to be an ordinary piece of wire, is that correct?

A Even as a layman it didn't seem to me that way, but it was just an ordinary piece of wire of which there was kilometers of this type of wire lying around.

Q Can you distinguish between a piece of magnesium wire and a piece of steel wire by looking at it?

A No, I do not know the difference, but I do know that a little piece of dirt like this wire that was used as a shoe lace could not have made very much difference as there was a sufficient quantity of this wire to last for at least ten years for this production.

Q However, if a prisoner had picked up a piece of magnesium wire to use as a shoe lace you would not have known whether it was magnesium wire or steel wire,, would you?

A I would not have taken the trouble to distinguish this wire. There were 36 thousand V-bombs produced in Dora and with this wire they could have had sufficient shoe laces for all of Europe.

Q You do not know how important a piece of magnesium wire is in a V weapon, do you?

A What I really do not know but I do not know how to estimate it sufficiently but I know that it was absolutely unimportant. The prisoners didn't give a darn whether this wire was important for the industry or not but he did need this wire for his shoe laces for otherwise he would have lost his shoes.

Q In other words from the stand point of the prisoner, holding up his shoes was more important than using a vital part of wire, is that correct?

A It was more important, this piece of wire was of more importance to him than his life perhaps because if he had not been able to keep his shoes on he would not have been

able to march and if he would not have been able to march some SS man would have hit him over the head with a cudgel and that might have cost him his life.

Q Now, Herr Ackermann, you have described at quite a great length to the court the conditions at Camp Dora and the tunnels at the Mittelwerks.

A Yes.

Q However, the questions which I am about to put to you are directed more specifically not simply to the conditions at Dora which we are led to admit like in all other concentration camps were more or less bad, but rather to the guilt or innocence of the individual accused who are sitting in this dock. You have testified, for example, that the prisoners were in very poor physical condition. Do you recall the testimony in that regard?

A Yes.

Q Will you please point out, rise if necessary, walk over to these prisoners and point out the prisoners who were responsible for the poor physical condition of the inmates.

PROSECUTION: At what time?

DEFENSE COUNSEL: During your stay at Dora.

THE WITNESS: The guilt, the co-guilt of these accused is, in my opinion, the perogative of this court.

DEFENSE COUNSEL: Perhaps you didn't understand my question. I want to know which of these accused from your experience at Dora you know to be responsible for the poor physical condition of the inmates.

PROSECUTION: The words, "poor physical condition" could mean a thousand things. Do you mean from the standpoint

of under feeding, lack of clothing, poor sanitation?

DEFENSE COUNSEL: I am talking of the general physical condition about which he has testified. I am speaking of general exhaustion and the fact that prisoners were too weak to work that was spoken of.

THE WITNESS: May I give an explanation here? I want to give a description. I can't simply answer this question in a very clear manner. I must give some sort of explanation.

QUESTIONS BY DEFENSE COUNSEL:

Q If you please, Herr Ackermann, the question is a very simple one. If Andrae was guilty for the poor physical condition or guilty of doing anything to make the poor physical condition of the inmates, I want you to point him out to the court as responsible from your experience, and the same for the rest of these people that are here.

A Every SS man who followed the orders of his superior SS officers has it on his conscience that he helped from a humanitarian standpoint to produce this poor physical condition of the prisoners.

Ackermann-Cross

Q In other words, do you want the court to understand that all the prisoners here are guilty of producing the poor physical condition of the inmates? Is that right?

A That I didn't say because there are individual accused here whom I don't know at all and about whom I can not say anything, but a work allocation leader who was the man who put the pressure on to speed up the work production, he definitely has participated in the guilt that these prisoners were -- that their constitution was in such a bad physical condition.

Q All right, you testified, as another phase of the poor conditions at Dora, that at one time during your stay there there were numerous prisoners -- each day you saw as many as 100 bodies, 100 dead people, each day. Do you recall that?

A On some days I have seen several hundred dead.

Q We understand that. Now, will you please point out to the court which one of these accused was responsible for those hundred bodies or more a day?

Now just a minute. Will you please answer my question? Can you or can you not point to one of these accused who was responsible for these hundred bodies. If you can, point him out. If you can not, then say so, and let's get on with this examination.

A Excuse me, but such a simple question you can't answer as simply as that.

Q In other words, you can not point to any of the accused as responsible for that?

A No, one can't do it that naively.

Q All right, now, you testified that the medical facilities at Camp Dora were very poor -- at some length?

A They were not only bad, but they were insufficient; not only in

quantity but particularly in quality.

Q We know; we have already had that in the record.

A There were days that there were 35 prisoners lying in the prisoners' dispensary with pneumonia, and if one has just a few pills one can not treat 35 prisoners with pneumonia.

Q Now please point out to the court which one of these accused was responsible for the poor medical facilities.

A I can not make anybody responsible here for the bad medical facilities, but for the pneumonia I make the work allocation leader Simon responsible. For instance, if he puts people up on a heap of stones day and night in all kinds of weather, rain and wind, and they get pneumonia as a result of this, I make him responsible for this.

Q Herr Ackermann, please limit your answers to my questions. Make them as complete as you care to make them, but answer my questions only.

PROSECUTION: I pray the court's judgment. He is answering it and should be allowed to answer.

DEFENSE COUNSEL: The defense has a right to have the answer be responsive to the question and not cover a multitude of other subjects which have already been testified to, if the court please.

PRESIDENT: Either prosecution or defense has the right to request the court to direct a witness to answer questions in a certain way, but any direction as to how the witness will answer questions will come from the court and not from counsel.

Q Herr Ackermann, I will ask you the question again. Which of these accused was responsible for the poor medical facilities at Dora?

A The medical facilities in Dora which were insufficient is one of the very few crimes which can be placed at the door of these accused.

Q Now, you also testified at some length as to the poor food that was given the inmates at Camp Dora. Do you recall your testimony in regard

to that?

A Yes.

Q Will you point out to the court which of these accused was responsible for the poor food that was given the prisoners at Dora?

A These accused, I believe, none had anything to do whatsoever with the kitchen.

Q You also testified that there were a large number of suicides in Dora due to the poor conditions. Do you recall your testimony about suicides?

A Yes.

Q Now, will you please point out to the court which one of these accused caused any of these suicides?

A That I can't say. It is possible that there is some among them who made the life of the prisoner so bad that the prisoner said to himself, "It is better that I jump off the cliff than to stay on living." An example ---

DEFENSE COUNSEL: May the court please, I will ask that the witness's answer, staring with the answer "It is possible" be stricken as merely a supposition of the witness.

PROSECUTION: The prosecution requests that the witness be allowed to give the example as a component part of his answer.

PRESIDENT: The witness may complete his answer if he wishes.

A (cont'd) When I arrived in Dora on the 4th of January, the first day I went down into the tunnels and I got in touch with my former clerk then -- he was a ministry attache of the Polish overnment, Krassovsky. I put him to work with me in the troop dispensary. The SS Corporal Vaischein made his life so bitter, not that he beat him in any way whatsoever, but in that he used all sorts of chicanery, that Krassovsky came to me and said, "I am going to hang myself; there is no sence to go on living like this." I had him transferred to the political department.

Q He did not commit suicide, did he?

A No, but it is an example how one could have committed suicide.

Q Do you know of any other member of these accused who drove anyone to suicide? If so, point him out to the court.

A The prisoners who hanged themselves didn't write long memoirs of why they were hanging themselves.

Q Can you point to any accused who drove anyone to suicide?

A No.

Q You will recall your testimony with regard to the poor conditions in the tunnels, the blasting that was going on, the dust, the lack of water, the heat. Do you recall your testimony along that line?

A Yes.

Q Which of these accused was responsible for that?

A The question can not be answered just like that. Even here I would like to give an example, if I may. Among the SS people there were also many SS people who were decent. They tried in every which way to make the life of the prisoner easier, even though this was in the individual cases against the orders of the higher SS; and every SS man who followed his orders implicitly is co-guilty the same as the highest authorities that the life of the prisoners was so miserable as it was.

Q I am sure, Herr Ackermann, that the court understands your opinion as to the general guilt of the SS man, but I am asking the question: Which of these accused is responsible for the poor conditions in the tunnels?

A That I can't say.

Q Do you recall your testimony, Herr Ackermann, as to a dog detachment which was kept in the camp and which was used to attack prisoners?

A Yes.

Q Point out to the court which of these accused was responsible for having dogs bite prisoners.

(ACKERMANN-Cross)

A Well, this you can't state individually also now, but if I am the camp leader like Mr. Moeser I would abolish such a condition.

Q Did Moeser use dogs to bite the prisoners?

A No, Moeser did the biting himself; he didn't need a dog. But he did know that the dogs were biting.

Q Now, do you recall your testimony, Herr Ackermann, of your comparison between the camps at Dachau and Dora and Buchenwald?

A Yes.

Q Is it not true that the conditions in the three camps were entirely different?

A Yes.

Q By that I mean that Dora at the time that you arrived there was still under construction, isn't that so?

A Yes.

Q Whereas Buchenwald and Dachau were already established camps, were they not?

A When I was in Dachau, Dachau was just being constructed and when I was in Buchenwald, Buchenwald was also just being constructed, but neither in Buchenwald nor in Dachau was there a stone blasting and dust filled air where we had to work in tunnels that it was in Dora. There was no commanding officer in Dachau and in Buchenwald who gave the green prisoners privileges. The tone in a concentration camp makes the music and the tone is set by the top. It was the same as if an unseen band was hanging over the camp with the words: "You all will have to die here." In the other camps at least they used the words: "You will have to be re-educated; then you will come out into the world again."

Q Neither Dachau nor Buchenwald at the time of their construction were deemed to be high priority emergency projects, were they?

A There was no war at that time.

Q Whereas the construction of Dora did take place under an emergency

situation, did it not?

A I wouldn't say an emergency. I don't recognise the expression "emergency." I just would like to say that the prisoners of Dora were the victims of an idiotic war.

Q Now, Herr Ackermann, you did make a statement at the end of the direct examination that in your opinion the direct responsibility for the poor conditions at Dora at the time you arrived there was a responsibility of SS Major Pister. Do you recall that?

A I didn't say it that way. I said that the main co-responsibility for the conditions at Dora lies with the commanding officer of Buchenwald Pister, who was the supreme authority over that camp until the summer of 1944. But this main co-responsibility and guilt of the commanding officer of Buchenwald in no ways lessens the responsibility and the guilt of every SS man who, contrary to the humanitarian feelings of his heart, followed the orders of his superior officers. If the American governor of Munich would order me to commit murder, I would not commit murder because I couldn't convince the entire world that the governor had ordered me to commit murder.

Q Now, nevertheless the command responsibility was Major Pister's, wasn't it?

A The authority was in the hands of Foerschner, or, the commanding officer Foerschner, but the main supervision was Pister's.

Q And neither Foerschner nor Pister are accused now, are they?

A But we had dozens of SS men in Dora who are our very best friends and who whistled at the orders of the SS, and there were simple SS people and there were higher SS people.

Q Now, you would recall, Herr Ackermann, that during direct examination you were asked to step up to the platform and identify any prisoners whom you knew from your experiences at Dora or at subcamps. Do you recall that?

A I can only say that there is none of these present about whom

I had to say some words of praise for being ----

Q You misunderstood my question, Herr Ackermann. The question was: Do you recall at the beginning of your testimony you were asked by the prosecution to step over to the dock and identify those accused whom you knew from your experiences at Dora or the subcamps? Do you recall that?

A Yes.

Q And do you recall that at first you couldn't identify them because you couldn't see without your glasses?

A Yes.

Q And do you recall that after the recess you came in and without your glasses you identified them all very easily?

A It was on the next day when I had my glasses that I identified two further people here.

Q Yes, that is true. You identified two others on the following day. But on that same day after the recess did you not come in and identify about six or seven additional men here without your glasses? You do not remember?

A I believe that the defense counsel is making a mistake.

Q Now, as a matter of fact, during that recess were you not shown the pictures of the accused and their names to enable you to identify them?

DEFENSE COUNSEL: Strike that. Upon reflection, if the court please, I will withdraw that question. I will withdraw it because it would cast a reflection on the honorability of the prosecution, and I prefer not to ask it.

PROSECUTION: I have no objection if you ask it.

DEFENSE COUNSEL: Does the court desire a recess at this time?

PRESIDENT: Yes. The court will recess for 20 minutes.

(Thereupon the court recessed at 1000 hours.)

(Thereupon the court reconvened at 1025 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all the members of the court are present; the prosecution and the defense are represented by counsel; all of the accused are present; the reporter and interpreter are present. At the end of the last session the witness, Ackermann, was undergoing cross examination.

DEFENSE COUNSEL: The defense has no further questions on cross examination.

JOSEF ACKERMANN, called as a witness by the prosecution, resumed the witness stand, being reminded that he was still under oath, testified further through an interpreter as follows:

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q Herr Ackermann, you were asked whether or not the crematory was operated at night, and previously you testified that the capacity of the crematory was so insufficient working 24 hours a day that bodies were burned in the open. Do you remember so testifying?

A Yes, I do.

Q Will you tell the court again, if you have already answered the question why were bodies burned in the open?

A The capacity of the crematory was not sufficient any more to handle all the incoming corpses, therefore, we had to dig big ditches and burn the bodies there.

Q Yes, I remember now. Now, Herr Ackermann, you were asked a good many questions about the piece of wire which was used by prisoners to tie on their shoes. Did it ever happen that a prisoner lost his shoes?

A It happened very often.

Q What happened to the prisoners who lost their shoes, no matter how they were lost--what happened to them?

A He did not lose them in a sense that he would not find them any more,

but if he was marching in a column of approximately a thousand men and his shoe got caught somewhere and he lost it thusly, he had to pick it up, and thusly he created disorder in the column, and the supervisors, by that I mean, the SS personnel would start beating somebody who created the disturbance in the rank because he did not know why he had stayed back.

Q My question was, did it ever happen that a prisoner lost his shoes—I mean actually lost them and did not ever find them?

A That also could happen in exceptional cases.

Q Well, do you know of a case where it did happen?

A Yes, that somebody had lost his shoe while marching in a column and he did not dare to stay behind and pick it up because otherwise he would have been beaten and he wouldn't have a shoe.

Q Well, what happened to such a prisoner, that is my question?

A If he was caught for not having any shoes, then again he would be beaten because the shoes were the property of the state, of the Third Reich, and he was only having the shoes for the time being.

Q Did it ever happen that a roll call was prolonged by way of punishment?

A That I cannot tell you exactly. In other camps the extension of roll call was a means of punishment, but in Dora I could not state that—I did not participate in roll calls.

Q Now, Herr Ackermann, you testified at some length about punishments for thievery—somebody stole a piece of soap or something else—he was beaten. Were these punishments ever handed out as a result of trial by a court of any kind?

A No.

Q These hangings that you saw, were the victims of these hangings ever tried by any court?

A It is not known to me that there ever took place a trial.

I also think it impossible because it happened that somebody was being caught late in the evening and he was being hanged the next morning.

Q Now, you have testified to scores and even hundreds of hangings. Could there ever have been a trial among all of these hangings and word of it not come to you?

A During such a trial, fellow prisoners would have definitely been interrogated as witnesses. In no case I heard that anyone of my fellow prisoners was being called upon to testify in such a court session.

Q Now, Herr Ackermann, you were in the tunnel a good many times. Did you ever see there an empty cement bag?

A Yes, I saw cement bags.

Q Of what material were the empty cement bags?

A That was a plain but somewhat strong wrapping paper.

Q In what use were these empty cement paper bags put by the prisoners?

A During the cold season the prisoners would tie these empty paper bags around their bodies and around their feet as protection against the cold.

Q Was the use of those cement paper bags permitted?

A No.

Q What would happen to a prisoner who was caught using such an empty cement bag for the purpose you mentioned?

A According to the orders that existed, every case of thievery was punished with death for reasons of sabotage.

Q I am talking not about thievery in general, let's talk about these empty cement paper bags. According to the orders published, was that also a case of sabotage?

A Yes.

Q Now, there was been some talk here, Herr Ackermann, about this controversy between Dr. Kehr, and was it Sleep?

A Yes.

Q Can you give the court an idea of when this controversy took place?

A These controversies took place soon after the arrival of Dr. Kahr in the camp. That was about February 1944.

Q Was this a single controversy, or did it continue over a period of time?

A This was a continous round of controversies.

Q What happened eventually to Dr. Kahr--S.S. Lieutenant Doctor Kahr?

A Dr. Kahr was transferred as a means of punishment. There also was more to it.

Q Well, I just wanted to know what happened. Now, towards the very end, just before the transports left Dora, was there a plan which came to your attention intended to take care of all the prisoners in Dora and the subcamps of Dora?

A We learned that Barnewald who had come from Buchenwald had brought an order. This order originated by Hitler, and this order read that all 50,000 prisoners were to be taken into the tunnels, were there to be gassed, and the tunnels are to be blown up.

Q Was that order discussed among the SS personnel in Dora to your knowledge?

A Yes.

Q By whom?

A I learned of it from an SS man.

Q What was his name?

A Dr. Karaka made indications to me about this plan, but I also heard about it in a more clear manner from another SS man whose name I do not know at the moment.

Q Now, you testified that after the evacuation you took a trip to the office of Dr. Richney. Tell the court just exactly how that office was furnished.

A This office consisted of a barrack just like this here, with the only difference that this barrack was furnished very nicely to live in. The walls and the ceiling were paneled; the floor was layed out with big, nice carpets; and there were wonderful club chairs in it; and tables with big vases; on the walls there were pictures.

Q Do you know whether or not in the tunnels there was a bulletin board?

A What kind of bulletin board do you mean--what was supposed to be on it?

Q Was there a place in the tunnel where there were notices and posters nailed there?

A Yes, I saw such a board.

Q Did you ever see any notices on there signed by anyone?

A I never read these announcements.

Q Now, there was also some testimony, Herr Ackermann, about green prisoners, and I think you once before gave the definition of a green prisoner. Will you please do so again?

A Yes. The system of Himmler was they not only interned political prisoners in a concentration camp in order to satisfy their own sadism, but also criminal prisoners.

Q Go ahead--excuse me.

A And at that moment I would like to state, because yesterday I had been attacked by various spectators, that not every one who wore a green triangle was a criminal, but the biggest part of them consisted of jail birds who had been imprisoned on account of murder, thievery, and so on.

Q Which one of the accused, as far as you know, was a criminal prisoner?

A According to my knowledge, out of the accused here, Zwiener was a criminal prisoner, but I could not say whether Allian was a criminal prisoner or a so-called "black" prisoner which means an anti-social prisoner.

Q Now, Herr Ackermann, you were asked towards the end of your cross examination certain questions dealing with the guilt of the accused. You were asked, for instance, to name which of the accused was responsible for the poor food?

A Yes.

Q And your answer was that none of them worked in the mess?

A Yes.

Q Or the same thing about medicines and so on?

A Yes.

Q Now, Herr Ackermann, I am going to ask you the same question, but in a different way.

A Yes.

Q Let's talk about the food. Which one of the accused was in a position where if he wanted to, he could have tried to do something to see that the prisoners got better food?

A At least Camp Leader Hoeser. I can also imagine that the labor allocation leader, Dixon, who had a great influence there, could have tried to bring about improvements, and he would have succeeded.

Q Who else among the accused occupied a position of responsibility sufficiently important that he could have intervened if he had wanted to?

A As First Lieutenant, Detmers.

Q Why, what was his position?

A He was adjutant of the commanders; he was the right hand man of the commander.

Q Who else?

A I do not know what part General Manager Rickhey played, but I do know that a general manager in the first place would have had the position.

Q Well, now, am talking about Detmers, you said he could have done something because of his position as adjutant, is that right?

A Yes.

Q And that same power would have been held by anybody else who was adjutant at Dora, isn't that true?

A Yes.

Q Now, let's talk about clothing. Who had the power to say to a prisoner who came up there naked and asked for clothes, "Yes, you can have it"?

A At least the camp leader.

Q How about the man who was in charge of the supply?

A He also could have possibly given more than he did.

Q What was his name?

A His name was Galbig.

Q All right, who else among the accused had the power because of their position to see to it that some naked prisoner in the dead of winter got something to cover himself with?

A Everybody.

Q Well, name them, Herr Ackermann, name them and name their jobs.

A Then I would have to read the whole list of the accused here because every one of the 35 had the possibility to say to his superior, "Look at these poor people, they need something to wear, let's give them something".

Q Which of these accused had enough influence and authority over Galbig to have said to Galbig, "Give this poor man something to wear"?

A Everyone who was in rank higher than an SS staff sergeant.

Q Name some of them, Herr Ackermann. I mean name the ones from the accused--never mind anybody else.

A Moser, Detmers, Blakney, Brinkmann, Bramy, Kramer--I do not know the other names.

Q Now, let's talk about medicines. You testified you were always short of medicines, and you testified medicines came in the food parcel packages, and that these medicines did not come to the hospital--the prisoners' hospital, is that right?

A Only to the smallest part.

Q Who among the accused either took that medicine or could have brought that medicine to the prisoners' hospital?

A Because Andrae was the man in charge of the post office, he had the possibility of taking out the medicines and bringing them to the prisoners' hospital.

Q Who else had the power to see to it that Andrae did that, if they had wanted to?

A At first the camp leader, Hoeser.

Q Who else?

A SS First Lieutenant Detmers.

Q Who else?

A Otherwise, there was nobody here who would have had the authority.

Q Did prisoners die in Dora for the lack of food, Herr Ackermann?

A Undoubtedly.

Q Did prisoners get sick and die because of lack of clothing?

A The lack of clothing was an important cause to bring about sicknesses.

Q Did sick prisoners die for lack of medicines?

A Undoubtedly.

Q Now, let's go to the tunnels. Who among the accused had the power to lighten the load carried by these prisoners who worked in the tunnels?

A Every one of the accused who was in the tunnel.

Q Please name the people—name them from the accused—well, point them out.

A I do not know their names any more.

Q Put your glasses on and point them out.

A I cannot testify exactly who of those people were in the tunnels.

Q Who among the accused had the power, if he was not in the tunnel, had the power to go into the tunnel and there make the burden lighter?

A Camp Leader Hoeser, Adjutant Detmers, Roll Call Leader Prinkmann, and Traupy. Every SS Tech Sergeant had the authority to go into the tunnels.

Q Who else?

A SS Master Sergeant Koenig. That one I don't know the name any more (indicating); Labor Allocation Leader Simon, of course; everybody who was above the rank of an SS Staff Sergeant.

Q Well, how about people who weren't SS, did any of these have the power to make the burden lighter?

A The camp eldest, Zwiener, of course, would have had the authority to ease the situation.

Q How about the general manager in the mittel werke, did he have the authority?

A If there was someone who would have had it, it was the general manager.

Q Who was the general manager?

A The general manager was Rickhey.

Q Well, let's go down to the hangings in the tunnel. Which of the accused had the power--I will withdraw that. Do you know what took place in the tunnel during the time when hangings occurred in the tunnel?

A I did not witness these hangings myself, but I only heard of them from other eye witnesses.

Q Well, tell the court what you heard.

A The hangings took place partly on a crane, partly on a specially constructed gallow apparatus.

Q Who were the spectators?

A The spectators were SS personnel and prisoners. The prisoners were forced to view the whole thing.

Q What happened to the work in the tunnel during the hanging?

A The work even was interrupted.

Q So that during the hangings in the tunnel, the work on the "V" weapons was discontinued while the prisoners who worked there were forced to act as spectators, is that what you said?

A Yes.

(Ackermann-Redirect)

Q All right, who had the authority among the accused to order suspension of all the work in the tunnels so that the prisoners could see this exhibition?

A Either General Manager Hickney or the commandant or the camp leader.

Q Who was the camp leader?

A The camp leader was Moesser.

Q Now, do you know whether or not those three people agreed on this sort of business, or could one of them do it without asking the other?

A I have no idea how this took place.

Q Now, you said, Herr Ackermann, that none of the accused was in charge of the dogs?

A Yes.

Q Who amongst the accused had the authority to put an end to the use of dogs to attack humanbeings?

A At first the camp leader, Hoesser, by all means.

Q Anyone else?

A I can also imagine that OS First Lieutenant Detmers, as the adjutant of the commander, had enough authority, and thereby I would like to state we sent letters to the commandant several times where we complained that the amount of prisoners had gotten injured on account of dog bites and had to be taken care of for a longer time in the dispensary.

Q And who saw that letter?

A According to my knowledge, Dr. Kahr dictated the letter to me and I wrote it.

Q What happened to the letter? Where did it go?

A The letter was sent to the commandant, given to adjutant Detmers.

Q These suicides, do you know whether or not they were matters of common knowledge throughout the camp?

A Yes.

Q Can you tell the court whether or not any prisoners ever escaped from there?

A Yes. Some times prisoners escaped.

Q Were there any cases of prisoners attempting to escape?

A There were also cases where prisoners had attempted to escape and were caught.

Q Were there any cases of prisoners who were shot while approaching the fence and while still inside the camp?

A Yes. Such incidents happened several times.

Q Do you know whether or not a prisoner was ever shot while approaching the fence to retrieve a garment or a cap or something?

(Ackermann - redirect)

A One such case is still in my memory.

Q Will you tell the court how that happened?

A Be, again it was an exceptional case and the prisoners must have acted a little unsandy.

Q Did you know a prisoner by the name of Alfred Kunze?

A Yes.

Q Tell the court the story of Alfred Kunze.

A Alfred Kunze was a former Saxonian, a parliament member. He was interned together with me for several years in Buchenwald and came also to Dora. He was the supervisor among the prisoners in the construction detail. He was apprehended by Sander under the suspicion that he belonged to the leading political heads of the camp. He was killed in a bunker in January 1945, at night, and his corpse was burnt at night secretly by SS personnel. During that night the prisoners were not allowed to sleep in the crematory and his death was only put down on record two months afterwards. When I spread the story that Kunze was dead, Sander announced that he would put every prisoner in a bunker who would state something which was contrary to the truth. Wiesta came to me and told me that Kunze was alive. This is stupid talk, but I knew definitely that he was dead because the political department mistakenly had called me up in the dispensary and complained to me why I had not written out yet the death certificate of Kunze.

PROSECUTION: Nothing further, may it please the court.

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL

Q Herr Ackermann, you have testified on redirect examination that prisoners were punished because of violation of an order against sabotage and that that was sometimes caused by the fact that they used a cement bag

to cover themselves with. How did you see the order which classified the use of cement bags for clothing as sabotage?

A I did not see the order but I heard the order which was announced over the radio but this order dealt not with cement bags specifically, but it just generally stated that all cases of thievery will be considered sabotage in the tunnels.

PROSECUTION: Did he say something about large and small?

A Just generally speaking, whether they were small items or bigger items. And in that the cement bags probably were included.

Q The cement bags were not specifically named in that order, were they?

A Nothing was named. It was just generally held, saying that whoever steals something in the tunnels will be hanged.

Q Now do you know of a specific case in which some prisoners used one of these cement bags and was punished for sabotage?

A I have heard that prisoners were hanged on account of having stolen a cement bag, but I personally do not know any names.

Q Now these prisoners that you heard of who were punished for using a cement bag, which of the accused gave the order to punish these prisoners for having committed sabotage?

A That I do not know. Maybe Moeser gave it; I do not know.

Q You do not know?

A It always came from the camp administration. It could have been general manager Rickhey just as well as the camp leader or the roll call leader for the factories or the commandant or his adjutant Detmers, or his camp leader Moeser, or also even the roll call leader.

Q In other words, it could have been one of a dozen or more persons, couldn't it?

A Yes.

Q You do not know which one, individually, of these accused gave any such order, do you?

A No.

Q Now these hangings that you testified took place, Herr Ackermann, just how do you know that there were no trials?

A I said I never had received knowledge of such a trial or procedure. And it would have been practically compulsory that I should have found out of such an incident if it had taken place. Therefore I say I do not know anything of a court procedure.

Q As a general rule these trials for sabotage were conducted secretly by the gestapo, isn't that a fact?

A The gestapo is not a court. The gestapo itself was a criminal organization.

Q You misunderstood my question, Herr Ackermann, I believe. My question was--

A (Interrupting) If you consider an interrogation which was conducted by the gestapo as a trial, then it is possible that such a trial took place.

Q And this was ordinarily in secret, wasn't it?

A That took place in the bunker and it took place in the following manner. The prisoner at first would be beaten and then he would be told, "You dirty pig, you stole something" and then he would be hanged.

Q And some of the other prisoners were not interrogated also at the time

A Yes. If you call this an interrogation.

Q So there was some kind of a procedure in which prisoners and witnesses were interrogated prior to these executions?

A The only question which was asked on occasions like this was, "Do you admit that you stole?" If this is a trial or an investigation, well, then--

Q You were present at a number of these secret interrogations, were you not?

A No, I wasn't present. I was very careful, otherwise I w

have received beatings also. But I heard both from SS personnel and from my fellow prisoners very reliable reports of such interrogations.

Q Did you ever know of a case in which an SS man was executed because of sabotage?

A On account of sabotage? No.

Q Did you ever know about the execution of any SS man for any other reason?

A Yes. Two SS men were executed once because on a trip they had told the broad public what was going on in the camp Dora.

Q Now these hangings that you testified took place in the tunnels, Herr Ackermann, did you attend these hangings? Were you present at these hangings?

A I stated already that I was not present.

Q And will you give us the date when they took place?

A That I could not tell you any more today.

Q In other words, you do not know when they took place?

A I knew it but I tried for the last two years to forget all about these things of Dora.

Q Do you know what date director general Rickhey came to work at Mittel Werke?

A I know that he came very late. He actually was for a short while in Dora, namely during the end. If I remember correctly it was the turn of the year 1944-1945.

Q Therefore, since you do not remember when these hangings took place, you cannot possibly remember, can you, whether director Rickhey had any connection with it in any way; isn't that true?

A No.

Q You also testified that the work was stopped during the hangings?

A Yes.

Q Did you not testify that there were several people who could

(Ackermann - recross)

order the work to be stopped?

A I did not say that they had the possibility of stopping the work. I said they were forced to discontinue work and forced to view the hangings.

Q You misunderstood my question. What I mean is, you testified, I believe, that either Hoeser or Brinkman or Rickhey or two or three others whom you named, would have the authority to stop the work and order the prisoners to attend these hearings?

A Yes.

Q You don't remember when these hangings took place exactly, do you?

A No, I do not know exactly.

Q So therefore you can't remember, can you, whether Rickhey was there at that time and whether he ordered the work to stop?

A No.

Q Are you sure that any of the other accused whom you named as having authority to order the work stopped were in Dora at the time?

A Then we would have to find out first when these big hangings took place in the tunnels.

Q Exactly.

A If SS 1st. Lt. Detmars, who was adjutant of the commander Foerschner, was at that time adjutant when the hangings took place, then he had the authority to stop the work.

Q Exactly, Herr Ackermann, and since you do not remember when the hangings took place, you are not in a position to state whether any of the people you named had any responsibility for it, since you do not know whether they were there or not?

A I would like to phrase my answer in the following way: If those people that I mentioned as having authority to discontinue work and make the prisoners view the hangings were at that time in Dora when

the hangings took place, then they were the ones that had the authority.

Q At which time, Herr Ackermann--

PROSECUTION: I pray the court's judgment. The witness has said repeatedly that he does not know when the hangings took place.

DEFENSE COUNSEL: I will withdraw the question. Now, you testified Herr Ackermann, as to whom, in your opinion, had the authority to lighten the working conditions in the tunnels. Do you recall that?

A Every SS man.

Q You mentioned, I believe, specifically, in addition to the fact that every SS man could have done that, I believe you mentioned some of the accused by name, did you not?

A Yes.

Q You mentioned, I believe, among others, Director Rickhey, did you not?

A Yes.

Q Now are you familiar with the corporate organization of the Mittel Werke Company?

A Yes.

Q How many managers did it have?

A That I do not know any more today. But to come back to the substance of the thing the general manager of a factory, even if in itself he has nothing to do with the prison camp, receives prisoner personnel from the camp for work. If I am general manager of a factory and even if I have nothing to do with the camp I still can use my influence that these people, while at work, are being treated decently. Of course, you have to assume that I am interested in that.

Q Do you know what the duties and powers and responsibilities of the manager of Mittel Werke were?

Ackermann - recross)

A I have an approximate idea of the management of the firm. They were drinking together at night and they were sitting together, so you could have the possibility to say to his very good friends "We look to it that the prisoners, while at work and in the interest of the organisation and the prisoners, are being treated a little better".

Q Herr Ackermann do you know the duties and the powers and the responsibilities of the managers of Mittel Werke?

A No.

Q Did you ever?

A No. Even though I know more than it may appear here that I know of the Mittel Werke, but our time here is valuable and there is no sense of spending our time with foolish things like this here.

I readily admit that the Mittel Werke was a seperate affair aside from the concentration camp, but they were drinking together.

Q Have you ever heard of a man by the name of Albin Sawatzki?

A Yes.

Q Will you tell the court who he was?

A Sawatzki also was one of the many managers of the factory.

Q Do you know what his duties, powers and responsibilities were?

A He was the commercial manager and at this wedding the people were wined and dined and the whole SS was there so that the tables were bending. For that reason we gave him a double immunization so that he had a small chest for three days. The needle practically broke off.

Q Do you know what control or power he had over the working conditions in the tunnel?

A No. I don't know that in particular. None of them carried any responsibility. They only pocketed lots of money and ate and drank plenty.

Q Now, Herr Ackermann, you have testified in answers to questions by the prosecution that you felt that Major Moesor and Detmers because of their official position could have done something about the medical facilities, the food and the clothing. You recall that don't you?

A Yes, I do.

Q Now is that judgement on your part just an opinion of what they

could have done or do you know for a fact that they could have one something and failed to do it?

A This is my positive opinion and according to that it is logical based upon the position that they held. These people do not want to state today that they were just puppets there and were just hanging around there. They walked around like kings and acted like it.

Q Are you basing your opinion, as I understand it, on two things: One, that the position in the camp which they held and Two, their rank as SS officers? Is that true?

A Yes.

Q Didn't you state in your testimony, Herr Ackermann, that Doctor Kahr who was an SS First Lieutenant did everything in his power to try to change food and clothing conditions for the prisoners and could do nothing about it?

A I did not say that he did not succeed in what he wanted to do. I said that he made efforts to do things and that he did not succeed in everything. He succeeded in very much as a matter of fact. He was capable of stopping the Mittel Werke for 24 hours so that the prisoners could be deloused.

Q Didn't you state that he tried to get additional clothing for the prisoners and could not do so?

A And did not succeed to the extent as it would have been necessary. He did succeed in lots however.

Q Didn't you say that he could not even overrule the orders of the SS Staff Sergeant Simon?

A Correct.

Q Why then, if Doctor Kahr could not do it when he was medical officer of the camp and an SS First Lieutenant, do you say that Detmers and Moser could?

(Ackermann-recross)

A The position of an adjutant and of a physician, even though they are equal in rank, is quite different. The physician is not under the jurisdiction of the camp commander, but he is under the jurisdiction of Berlin Medical Corps, so that the S Physician is sort of an outsider in the camp, especially if he shows that he is of a different color and does not want to have anything to do with that group of bandits.

Q Now if Entners had done what you say he too would have been of a different color would he not?

A That doesn't mean he is of a different color. But if the SS men who are here had done the same thing that Doctor Kahr and Doctor Kursbe and also other small fry of the SS have done--if they had done the same thing then the fate of the prisoners in spite of all the orders from Berlin and so on, would have been a better one.

Q Well now, the camp physician is directly responsible, is he not, to the camp commander for the well being, physical condition and the health of the prisoners?

A He is not responsible to the camp commander. He is only responsible to Berlin Medical Corps, Department Lolling.

Q He can make reports directly to a headquarters which is higher than the camp commander, is that right?

A Yes.

Q So therefore he has much more influence over the policies of the camp than a camp adjutant hasn't he? We are talking about as faras the health conditions of the prisoners.

A When I found out that a camp physician could make reports to the SS medical department in Berlin I do not want to say that his influence is any bigger because he could make reports to a different department and he could only report about these things, but still a camp commander has a whole lot more authority than just a little SS Doctor.

(Ac ermann-recess)

pld-35-4

Q Now Herr Ackermann, what you are telling the court in effect is this is it not: That an SS First Lieutenant who was a medical officer of the camp tried to do something to better conditions and failed whereas you say that an SS First Lieutenant who as an adjutant could have improved conditions. Is that not so?

A I didn't say that the SS First Lieutenant whowas a camp physician did not succeed in anyt ing. I said that he did so much that the numbers of cases of deaths decreased.

Q Didn't you say that he did not succeed in having the order published for the dogs not to bite prisoners?

A I did not state at all whether he was successful in this respect or not. With respect to the dog bites I would like to state that there was some success, but whether it can be traced back to the fact that a letter was written complaining about the dog bites or whether it can be traced back that I spoke to someone who was working there with the dog unit whom I told, "If there are other cases of dog bites and one of you fellows come over to the dispensary we will take care of you and give you so many CC pills that you will have to run all day long." Well, anyway, the fact remains that there were no more dog bites.

Q Did dog bites stop then? Is that it?

A Yes, it stopped.

CROSS EXAMINATION: No further questions.

PROSECUTION: Nothing further.

EXAMINATION BY THE COURT

QUESTIONS BY MEMBERS OF THE COURT:

Q Herr Ackermann, in your autopsies on these bodies did you ever find any evidence of gunshot wounds?

A Yes.

(Ackermann-court)

Q Approximately how many of these did you find?

A May I make an explanation to that which apparently results from a misunderstanding?

Q Go ahead.

A As long as I received the corpses from Dora in Buchenwald every such corpse with a shot wound was examined. In Dora itself the corpses were not examined anymore with respect to gunshot wounds because executions were taboo for us. Corpses resulting from executions we were not supposed to take care of. But as long as I received the corpses in Buchenwald I frequently noticed bodies showing gunshot wounds.

Q How did the death certificates show the cause of death on these men that were shot?

A We did not treat the cases of executions with respect to death certificates, we only took care of those cases when somebody was shot while escaping.

Q Will you give the court, to the best of your ability, the number of dead people at Dora during the period that you were there?

A The notes or lists that had been found there gave an exact picture of the normal months there. With respect to the time between February 1944 and January, 1945, but figures with respect to the beginning of the camp and the end of the camp do not give a complete picture. It was impossible to register all cases of death exactly both in the beginning and the end. As far as I remember about 15 thousand corpses were registered from summer, 1943 until about the end of April, 1945, but this figure will be increased with a careful estimation of about two thousand corpses. According to my estimation the amount of cases of death of prisoners amounts to about 18 to 20 thousand prisoners for the period of about one and one half years. Whereby you have to consider that in the beginning of Dora the number of prisoners

employed there was very small and only as time went on increased.

Q Mr. Ackermann, in your redirect examination you remarked that you had been attacked by a spectator during the recess. Will you explain what you meant by that comment?

A Yesterday afternoon after the close of the trial I ran into some spectators who were apparently some former criminal prisoners and was heavily attacked in words with respect to the fact that I had touched the question of the criminal prisoners in court here. This morning the former SS man Doctor Kurske told me that these same people had criticised me last night in the witness mess and had made the remark that they should wait for me at the gate and attack me physically, but otherwise it is not so tragic. If I may say so I find it a lot more tragic or maybe a misunderstanding that an accused was permitted yesterday to attack me and call me a liar without having been put in his place by the court.

PRESIDENT: The question of the court is not directed to that incident. If you feel that you are in any danger of being molested by any spectator you will bring it to the attention of the trial judge advocate immediately and appropriate measures will be taken to protect you.

Are there any further questions by the court?

The witness will be excused.

PROSECUTION: May I ask that because of the fact that Herr Ackermann is employed by a newspaper and his living depends upon covering he would like to be able to cover this case. I ask that he be permanently excused as a witness.

PRESIDENT: Off the record.

(Off the record discussion.)

DEPUTY GENERAL: If it please the court, I have one more question I should like to put to the witness.

RECROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q Herr Ackermann, this Doctor Kahr about whom we have been speaking, to the best of your knowledge, is he a witness for the prosecution in this case?

PROSECUTION: Yes.

THE WITNESS: I could not say that. I only know that he is a witness.

DEFENSE COUNSEL: No further questions.

THE WITNESS: I could just as well imagine that he could be a witness for the defense.

PROSECUTION: I have nothing.

PRESIDENT: The witness will be excused.

(Thereupon the witness was excused and withdrew.)

PRESIDENT: The court will recess until 1330 hours.

(Thereupon the court recessed at 1165 hours.)

AFTERNOON SESSION

(Whereupon the court reconvened at 1330 hours.)

PROSECUTION: Let the record indicate that all the members of the court are present; the prosecution and defense are represented by counsel; all the accused are present; the reporter and interpreter are present.

At the end of the last session the witness, Ackermann, was concluded with.

DEFENSE COUNSEL: May it please the court, the defense would like to introduce individual defense counsel for the accused, Heinz Detmers, Kurt Heinrich, Kurt Andrae, and Richard Walenta. They wish to introduce as their defense counsel, Dr. Ludwig Renner, German attorney who has been cleared and whose credentials I have with me and now offer for the record.

PRESIDENT: Dr. Renner will be permitted to appear in this case for the accused named by Major Poullada and the certificate relating to Dr. Renner will be made a part of the record.

DEFENSE COUNSEL: The defense would also like to introduce for the accused, Paul Maischein, Georg Rickhey, Heinrich Schmidt, and Wilhelm Simon as individual defense counsel, Dr. Emil Arheimer, whose certificate entitling him to practice before this court I now offer for the record.

PRESIDENT: Dr. Arheimer will be admitted to practice before this court in behalf of the accused named by the chief defense counsel and the certificate will be made a part of the record.

PROSECUTION: The prosecution calls as the next witness--I will have to spell the name, H E N D R I K U S C O R N E L I S I W E S.

The witness will be examined by Captain Ryan for the prosecution.

The witness will testify in English, I think.

HENDRIKUS CORNELIS IWES, called as a witness by the prosecution, being first duly sworn, testified as follows:

DIRECT EXAMINATION

QUESTIONS BY CAPTAIN RYAN:

Q Mr. Iwes, state your full name.

A Hendrikus Cornelis Iwes.

Q What is your home address?

A Quaiducondroez in Liege, Belgium.

Q What is your occupation?

A I am a business man.

Q How old are you?

A I have been born the 22nd of February, 1895.

Q What is your nationality?

A I am Dutchman.

Q Have you ever been in a concentration camp?

A Yes, I have been in four concentration camps. First, in Compiegne, Front Stalag 122, in France; afterwards in Buchenwald; then in Dora; then Ravensbrueck; and the last one Malchov.

Q When were you in Dora?

A I was in Dora up from the 3rd of January, 1944 until the 5th of April, 1945.

Q During this time at Dora what duties did you perform?

A Well, when I came there on the 3rd of January, I was designed to work as a slave in the detail Kohlief. At that time they were making the tunnel and I was designed to load and unload great big trucks, unload big trucks with cement and load materials, sand, and gravel on small trucks.

Q While working with this detail in the tunnel, where did you live?

A We were living in the tunnel itself.

Q What were your sleeping quarters like?

A Our sleeping quarters were very, very bad. You shouldn't send a dog in it in this condition. We were there at night. Only for a few hours we could sleep.

Q Continue, sir, explaining about your living quarters.

A Our living quarters? We worked twelve hours a day at a time and after having worked we got our very bad soup, water with something in it. Then we were allowed to go to our sleeping places, but very often when we were asleep we were waked up again to do other duties.

Q What other duties did you have to perform?

A They were small duties but it took a lot of time. For instance, we had to carry mattresses. And then we could sleep again but we had to get up again after a few hours to get our bread and then we had to stay there for two or three hours with the result that the sleeping time we had practically didn't last longer than five hours a day. The beds were very dirty. There was no delousing at that time and very often it

Ewes-Direct

happened that durin the night people died. We were brought down and we had to go t sleep again in the same places where the people had died. I don't know whether the court can imagine what that means.

Q These mattresses you spoke of, what kind of mattresses were they?

A They were paper mattresses filled up with straw.

Q Were they the mattresses that the men slept on?

A Yes.

Q What kind of beds did you have?

A These beds were made by timber four tiers high.

Q You mentioned that you worked by unloading trucks with cement, gravel, etc. What kind of tools did you use, if any?

A Very big shovels, too heavy for a weak man to carry.

Q You mentioned the food. How many meals did you receive a day?

A As a rule we only got two meals. When we speak about the beginning that we were there we had after work dinner, and during the sleep we got a piece of bread, a loaf cut in three pieces and a piece of sausage. We had also a piece of margarine and it was said that it was not real margarine, it was made out of coal. When I spoke of the time afterwards in 1945, there were two shifts, the day shift with dinner at 5:15 in the morning. Then we worked for 12 hours and when we came back we had the time of eating in the afternoon but one time there wasn't bread at all and after the meal we have in the morning of 5:15 we only got when we came back to the barracks--we got two or three boiled potatoes. That was all we have had.

Q During the time you slept in the tunnel where did you go to receive your food?

A In the beginning, as we had food in the tunnel itself so that it wasn't possible to leave, but afterwards a few barracks were built and then after having worked for 12 hours they let us out of the tunnel and we could go to a barrack that was not occupied by another command. In this barracks there was no furniture at all so that we had to stand when it was possible in the barracks. When they were already occupied by another command we had to get our dinner in the dirt and the mud and rain and in the snow.

Q At the time you visited these barracks to receive food, did you notice whether there were other barracks under construction?

A Yes, by and by a few barracks were built but at last until the months of May and June a greater number of barracks had been built. At that time we didn't sleep any longer in the tunnel, but by and by barracks were designed for us to sleep.

Q At the time you were still sleeping in the tunnels what were the facilities that you had for washing?

A There were no facilities for washing. There wasn't even water. There was only one pipe line that went to the cement mill and the only water we could get were the drips that came out there where the two pipes joined. That was the only water we had and as soon as the SS saw us around the place we were beaten. They pushed us away. An inmate shouldn't wash himself.

Q What toilet facilities did you have?

A The only thing what you call facilities were barrels cut into half barrels with a small board on it. That is the only thing we had. From time to time when people were sitting on it and the SS came around they were beaten because they were

sitting on the sanitary facilities.

Q Those beds that you slept in, how many slept in each bed?

A Well, the mattresses had about 80 centimeters width and we had to sleep on it two together.

Q And were these beds occupied by anyone when you were working?

A Yes, when we worked in day shift the people from the night shift had to sleep again in our beds. Sheets were very seldom to get and the only thing we had to cover ourselves were our coats--our jackets, and from time to time we had a coat.

Q By "sheets," what did yo mean?

A A w oolen blanket. That is not a sheet; I am sorry -- a woolen blanket.

Q By whom were you supervised while you were working in the tunnel?

A In the beginning of 1944 when I was working at Hochtief we had only, as far as I know, foremen. These foremen were criminals -- what we called the S-4. And these were supervised again by civilians. Afterwards when the factory was running, in Mittelbau we were also supervised by the foremen, who themselves were supervised by civilian foremen, and in each hole were engineers. For one shift, as a rule, one engineer, as far as I know.

Q Is that Mittelbau or Mittelwerke?

A It was called Mittelbau.

Q The camp or the factory itself, the plant?

A This was the tunnel, you see. I can tell you that, I myself had always worked in the tunnel and we had -- we were designed as geheimnis-stuecke bearer of secret. That meant that as soon as you worked in a kommando in the tunnel you couldn't get out again to work in the camp itself.

Q In other words, once you worked in the tunnels you were destined to work there for the period you were at Dora?

A Yes. And we were destined to die.

Q Do you recall the names of any of those engineers who helped supervise the work in the tunnels?

A Yes.

Q Will yo please give their names?

A In Flossenbau I remember the name of an engineer was Garsella. In Heckbau there was an engineer Renner. The other name was Jakob. Another engineer who was very bad; in the beginning Jakob was also very bad. In the beginning he beats the inmates regularly. Another name I will mention is

the name of Schmit. I think it is spelled S-C-H-M-I-T.

Q These places you mentioned are in the tunnels in Dora?

A In the tunnels in Dora, yes.

Q What clothing did the prisoners wear while working in the tunnels in Dora?

A As a rule the inmates were very badly clothed. We had only a shirt and a jacket, a pair of trousers and underwear -- undertrousers. The only thing we had. The conditions in the tunnel were bad because it was very cold and in order to care for ourselves we put on us when we could find them paper bags, but it was very dangerous because it was indicated as sabotage to wear paper bags.

Q Where did these paper bags ---

PROSECUTION: Wait a second, please.

A It was dangerous because it was considered as sabotage.

Q These paper bags that you speak of -- where did they come from?

A They come from -- they were paper bags which were used from the cement.

Q Did you see anyone beaten because of having taken paper bags?

A No, I have never seen it myself, but I know -- one of my friends who has been beaten himself, he can tell you. He is one of the witnesses.

Q Did this friend tell you he had been beaten because he took a paper bag?

A Because he had put on a paper bag; for that reason; it was found on him.

Q He used this bag to keep himself warm, is that correct?

A It was the only reason, to get warm.

PRESIDENT: Mr. Iwes, please wait until the question has been translated into German before you answer it.

WITNESS HENDRIKUS CORNELIS IWES: Yes, sir.

Q While working in the tunnels, did you have occasion to speak

with prisoners that had worked in the tunnels during the months of October, November, and December of 1943?

A Yes, when we came in the tunnel we didn't know really what we saw. People -- they were no real persons any more; they were all weak and meager; and they told me -- they were very dirty also because they haven't had any possibility of washing themselves for three and four months and they hadn't left the tunnel for months, since they had arrived there.

Q Now, during the time that you worked in the tunnels, did you have occasion to look at the other prisoners and see their physical make-up?

A Yes.

Q Will you please explain to the court just what the physical condition was of your fellow workers?

A Well, I know it by myself. I have worked there, and in the beginning when I arrived at Dora I think I had about 200 pounds, but in consequence of the food which was insufficient and not substantial I lost by and by about 77 pounds.

Q What were your working hours? How many hours did you work a day?

A As a rule we had to work 12 hours a day. From time to time when the shifts changed from day to night and night into day, every fortnight we had to work 18 hours all together. And I remember it happened to me that one day I haven't been able to get any rest for 27 hours, not being able to sit even.

Q While working in the tunnels did you ever witness any hangings?

A Yes, I have witnessed three hangings. The first time was about the 18th or 19th of December 1944. He was a Russian and worked in the kommando Heckbau. He was accused to have -- I excuse myself -- to have pissed into the body of the V-2. This was considered to be sabotage. One morning the inmate was brought by the SS to the hole where we worked. His hands on his back, a bit in his mouth, tied in his neck. It was in the morning when our shift had to go to work, but in consequence of the fact

that a night shift had begun already this man has not been hanged that day; he has been brought back to the bunker; and a few days afterwards he came back again when the two shifts were present. He was conducted under the crane; one of the capoes -- I can tell his name, Karl Porada -- he has put a string on the neck of the inmate; and he pushed the electric button and the man was hung. The second time that I witnessed a hanging, that was the case of 9 inmates. That was in the B -- the principal tunnel -- the B tunnel. They proceeded in the same way. That means nine strings were put on one bar -- woolen bar -- and in the same way the 9 together were hanged. The third time I witnessed a hanging of 10 men. Civilian personnel had to witness also this hanging; and the SS Fuehrer, who was a man that was feared very, very much -- he made a speech of telling us that we had to be very careful in order not to get the same reward of being hung also. This was an example for us. And when the men were hanged we had to go back again and we took off our little caps in order to -- how shall I explain it? -- we wanted to take off our little caps to show our respect, our last respects, to the dead, but we were heavily beaten.

Q During these hangings, who had to witness the hangings?

A The first case I have been spoken of, that were only the inmates; but afterwards the civilian employees had to witness also these hangings. I must say they made a lot of fun of it.

Q This Russian that you speak of, do you know whether he was an interree, civilian internee, or a prisoner of war?

A As far as I can remember at this moment, he was an inmate, a political prisoner.

Q Did you ever witness the beating of any of the prisoners in the tunnels?

A Yes. One day when we passed in the A tunnel we heard in one of the holes a big noise and because we were curious we went to see what happened and we saw that one of the capoes was beating to death a prisoner, grabbing

and boxing him. It all happened in 10 minutes' time.

Q Mr. Iwe, do you know any of the accused in this case? Yes or no?

A Yes, I do.

Q Will you please state their names.

A Andrae, of postatelle. Woeser ---

CAPTAIN RYAN: Just a minute. Please let the record indicate that the witness pointed out Andrae, one of the accused, wearing placard number 1.

Q Whom else do you know?

A Woeser.

Q Will you tell me His number, please?

A Number 13.

CAPTAIN RYAN: Please let the record indicate that the witness pointed out the accused Woeser, wearing placard number 13.

A And Simon.

Q What is his number?

A 16.

Q CAPTAIN RYAN: Please let the record show that the witness identified the accused Simon, wearing placard Number 16.

Q What, if anything, do you know about Simon?

A Simon was the labor assignment leader. He knew exactly in his position what was our condition as inmates in consequence of bad food, weakness, and clothing. He is the man that I consider responsible for the conditions in which we worked and the consequences which come to the inmates which resulted fromthe work. He was the man also that, as we had been designed to work in the tunnel we never could get out again. He is responsible that we could get not in another kommando.

Q By other kommando you mean another position in the camp?

A Another position in the camp itself, because, you see, there were two places -- in the tunnel and in the camp.

Q What, if anything, do you know about Andrae?

A Andrae was the hyena as to the Red Cross parcels and the personal parcels. We had an impression that a pilferage was very well organised. Many parcels which my wife have sent me, of course, I haven't gotten. That was the same case for the Red Cross parcels. The parcels which we received were always pilfered. The tins, they put a hole in it in order to distribute the rest, such as cigarettes or cheese or something like that, and they were spoiled. One of the conditions when you got a parcel was to eat it in 24 hours. But from time to time they pushed this pilferage so far that nothing was left in the parcels, and we still were very glad to receive the paper and the strings on it because on the paper was put the name written by our wives or by our children.

Q In other words, at times you received the wrapper and the string without the contents of the package?

A Yes. It was said that the parcels were pilfered, and the organization by the SS was pushed so far that bags were hanged in the post office and different stuff--cigarettes in one bag, sugar in the other bag, macaroni in the third bag--all was organized by those gentlemen. And, of course, Gentlemen, you must understand what it meant for us in the weakness in which we found ourselves, being convinced that we should die when we didn't get anything else, the weakness in which the people, for instance in the hospitals were. Our only hope to get out of it one day was our parcels.

Q Did you know any of the prisoners that worked in the post office other than the accused?

A Yes. There is one Belgian, an old man who has worked in the post office, and I am very sorry not having seen him here as a witness. He knows a lot and can give you all the details.

Q Did you have occasion to speak with this gentleman with reference to conditions in the post office?

A Yes.

Q What was this gentleman's name?

A He is a postmaster of a little village in Belgium. His name must be--

Q Was it Vanderhof?

A Vanderhof or Van Hof, or something like that, but I know where he is. He is the postmaster himself in Belgium.

Q And a good deal, of course, which you received pertaining to the post office came from him, is that correct?

A Yes.

Q Plus your own knowledge that you gained when you received the packages or received the wrappings without any contents?

A That is right.

Q Now, you mentioned the hospital. Were you a patient from time to time?

A Yes, Sir, I have been several times in the hospital in consequence of edema and pneumonia.

Q What were the conditions at the hospital as far as the prisoner patients were concerned?

A Well, when I speak of 1944, from the month of March until the month of October, I cannot say anything else than that the conditions were quite all right. The only thing, when we came, when we were designed for the hospital, we had to give up everything we had, all the clothes, and instead of these clothing, we only got one shirt. The mattresses were covered with linen or linen sheets, and we had one or two blankets. The sheets were clean. Afterwards, that was in the month of November, December, the conditions altered altogether. After having given our clothing, we didn't get even a shirt, so that we came into the different rooms all naked--all patients were naked. Every sick man had a bed--a place in a bed. Afterwards we had two or three men in a bed. And afterwards when the people came back, when the evacuation took place of Auschwitz and Gros Rosen, that was an awful time because the greater part of the men who came with these transports were being put on the floor.

Q While you were in the hospital did you ever hear of any transports leaving the hospital?

A Yes. The first transport has taken place in the hospital in, as far as I can remember, the month of February. The second transport to which I have been designed myself twice has taken place in the month of March, and another transport to which I have been designed a third time should have taken place in the month of September 1944, but this transport hasn't taken place as far as I know in consequence of the Americans advancing in Germany.

Q And do you recall the second transport that you speak of?

A Yes.

Q Will you tell the court what you know with relation to that transport, as to how many men left and how many men returned?

A I can't tell you the exact number of this transport, but it should have been in the neighborhood of 1500. Some of those inmates which were in better condition than the others have come back in Dora, and some Frenchmen have told me that many of the sick persons have been killed by injections.

Q So you have any idea as to how many men returned from this transport?

A Well, this transport totaled about 60. That is the number I remember.

Q And the rest of the men either died or were killed?

A They were killed or died.

Q Now, you mentioned Kesser before. What, if anything, do you know about Kesser?

A The consent of Kesser to the responsible leader of the camp was required. So that all directives as far as bad treatment in general came from him.

Q When did you leave Dora?

A I left Dora on the 5th of April 1945.

Q And how did you leave Dora?

A On Friday before Easter we have been brought back, the people working in the tunnel have not gone back to the tunnel any more. The war conditions for them in consequence of the disasters brought by the aircraft were so bad that it was impossible to carry on the factory because the parts of the V-2 didn't arrive the right time. Some of the inmates were sent back on Saturday in order to destroy all papers, as well as the engineers went in the tunnel especially to take out parts of controlling machinery. We stayed in the camp until Wednesday without going back to the tunnel, but on the day of the 5th of April, after several evacuations had took place, all inmates who were left had been sent back to the tunnel, and it was spoken about that we should be killed there to avoid being gassed.

Towards 5 o'clock of the afternoon we came back again to the camp, and then the evacuation has started for all men who were left. We have received a loaf of bread and a tin of meat, and were put in our railway trucks a hundred together. A travel of a night, in the next morning we had arrived at Silberried.

Q Excuse me, if you will, please. Who was in charge of that transport?

A Lower (indicating).

Q Will you continue your explanation as to what happened on the transport?

PRESIDING JUDGE SEBRING. The court will recess for 15 minutes.

(Whereupon the court recessed at 1445 hours.)

* * * *

(Whereupon the hour previously at 1500 hours.)

PRESIDING JUDGE SEBRING. The court will come to order.

PRESIDING JUDGE SEBRING. Let the record indicate that all the members of the court are present; the prosecution and the defense are represented by counsel; all of the accused are present; the interpreter and reporter are present. The witness, Ivan Nazarenko, was under direct examination by Captain Ryan at the last recess.

IVAN NAZARENKO, a witness called as a witness by the prosecution, resumed the witness stand, and was examined and testified further as follows:

DIRECT EXAMINATION

(CONTINUED)

BY CAPTAIN RYAN:

Q Mr. Ivan, will you continue describing the conditions of the transport which you were on on the 5th of April 1945?

A After we have passed Salzwedel we had a longer stop. The train has stopped a whole day. The next night we go to Wittenberge, we ride a from Saturday to Sunday we went from Wittenberge to Berlin. There we had to get down from the train. People who were very sick at once. We had to wait

(Recess)

in order to get instructions what we had to do the morning on Sunda morning at Osterode. From Osterode we went by foot over to Chaustahl, and we arrived at night at Okerl in the neighborhood of Goslar. The SS, they behaved themselves like bandits, murderers. I saw several SS carrying champaigne bottles in order to give themselves courage, in order to shoot down the weak people. We were so weak that the distance of 35 kilometers, we had to do it in about 12 hours. When we arrived at Okerl we were pushed again in wagons--in closed wagons, myself, 118 people in one wagon, and I know examples of 136 people in the same wagon. The first night I slept standing because there was no place. And afterwards we were put in rows of 8 people in the breadth of the wagon to make the voyage from Okerl in the direction of Brandenburg, Kittenberg, Doemitz, and afterwards we went back again. It was said that we went in the direction of Hamburg. Afterwards we went back again. And I have seen that we got up and down and saw the station of Hauen three times. There Hoesser, he was very busy because we had the impression that he didn't know where to bring us, and we went on and finally on Saturday, I think it was the 14th of April we have arrived at Ravensbruck in a very bad state. I would mention that during the journey we had from Osterode to Okerl air craft was passing over our heads, and for that reason we were sent in a wood. The food and water we hadn't got at all, and we inmates saw a small river. They wanted to go there in order to get some water to drink. One of the inmates was held up by an SS man, and he asked him what he was going to do. He replied that he was very thirsty, as he hadn't gotten to drink for three or four days, and was replied by the SS, "Drink, my son", and when the inmate was at the water and wanted to get some water by his hands, he received a shot in his neck.

Q Who shot this prisoner?

A It was an SS man who shot. I want to mention that during the whole journey from the 5th of April until the 14th we haven't had any rations

exc pting the bread and the tin of meat at the beginning, but those were eaten very quickly because in the former days we hadn't had much to eat either, so that every day you could state that the people became weaker and weaker until madness, and several of them had died.

Q Excuse me. Go ahead.

A In that condition we arrived at Ravensbruck with many dead people.

Q How long did you stay at Ravensbruck?

A In Ravensbruck we have arrived on Saturday, the 14th and we have gone again on the 20th, then it was a transport by foot. We were sent in the direction as we have been told to Luebeck, but as the allied had advanced quicker than our journey, they have conducted us to Malchow where we stopped two days, then we were brought again on the way conducted by SS men. No longer the same people who had conducted us until Malchow, and we have become free in consequence of the Russians we have met in Parchim. Of course, during this journey again in consequence of the weakness, many people have starved along the road.

Q While on this transport, did you see people die?

A Yes.

Q Can you give an estimate as to how many dead persons you saw?

A It was very difficult. I wouldn't be exact. For that reason I prefer not to give a number.

Were there a few or a great many?

A No, there were a great many.

Do you want to just guess, approximately, to the best of your knowledge?

A Myself, I think I have met 20 to 25 dead people. I can tell you that after I came back at home I have written to one of my friends and he answered that he had seen the way we had taken in consequence of the many dead bodies lying along the road.

Q While at Ravensbrook what food did you receive?

A The first day we only got a cup of the clear soup. We should not have been able to support more, after nine days without food and drink.

Q Now these killings and shootings that you witnessed, and the dead persons that you witnessed on this transport, that is the transport that Moeser was in charge of?

A Yes.

PROSECUTION: No more questions, sir.

PRESIDENT: You may cross examine.

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL

Mr. Iwes, you have testified as to the living conditions in the tunnels. How long did you live in the tunnels?

A I have been in the tunnel for several months with this exception, of the time that I have been in the hospital.

Q When you say "I have been in the tunnels" you mean you slept there?

A I slept and lived in the tunnel.

Q And approximately from what date to what date, do you recall?

A Well, I should mention several days you see, because suffering from prlegmons I have been admitted several times at the hospital.

Q Now, Mr. Iwes, I realize that it is difficult to recall exact dates in this period, but it would be very helpful to the court if you could tell us approximately, at least by the month, when you were in the hospital. In other words, tell the court when you arrived, started living in the tunnels, approximately what month you left to go into the hospital, what month you returned back to the tunnels. Just give us an idea, please, of the time you were living in the tunnels?

A Well, I arrived the third of January and I lived in the tunnels the two months, I think, January and February. In March I have been admitted in the hospital when the second transport has taken place. The second, as far as I know. I have come out of the hospital the beginning of May, I think. After five days having worked again in the tunnels, I was admitted again in the hospital and that went on over some six weeks to five days interruption and working so until the middle of December. That is also the reason why I have worked in several commands.

Q Now, do you mean by that that during that entire year you spent most of it by being in the hospital for six week periods and then working in the tunnel for five-day periods?

A Yes.

Q So, in other words, you spent most of the time outside of the tunnel, really, didn't you?

A That is a fact. And I think that is the reason that I am alive today still.

Q You mentioned an incident which you witnessed in the tunnels in which SS men beat inmates who were trying to obtain some water from some pipes that were dripping. Do you recall that?

A Yes.

Q Will you please tell the court which of these accused was the

one who beat the prisoners

A I couldn't tell. You must not forget that that is 18 or 19 people of the whole number of all the persons beating and being responsible for the bad treatments in the tunnel and in the camp.

Yes, we understand that. My question, however, was: Do you recognize one or more of the accused here as being the SS man who beat the prisoners when they were taking water for drinking from the pipes?

A No.

I think you also mentioned another incident in which the SS man beat prisoners who were sitting on the toilets because they were there too long. Do you recognize any of the accused here present as being one or more of the persons who did this beating?

A No.

Q Can you tell the court whether any of these accused who are present here today gave the order declaring the wearing of paper bags to be sabotage?

A Well, you are putting questions before me, you must consider that today it is two and a half years ago that we left there, and I think you must have a very, very sharp knowledge to recognize among these people, who are looking quite different to what they were there, because there they were representatives of the Herrinvolk. Now they are only here the accused.

Yes, Mr. Lwes, I am sure that the court is aware of the difficulties which you have in recognizing the accused, and I assure you that the defense is, but please answer my question. Do you recognize any one or more of these accused as being the individual who gave the order that the wearing of a paper bag would be considered sabotage?

A No; I cannot.

Q You did mention, however, a case of one of your friends who was beaten for wearing a paper sack; did you not?

A Yes.

Q And that the punishment for sabotage was hanging, isn't that true?

A Yes, I think so.

Q But your friend was only beaten, is that correct, and not hanged?

A Yes. But you will consider there are many degrees of sabotage.

Q These working conditions which you saw in the tunnel, these construction works in the tunnels, were conducted or supervised by civilian firms, were they not?

A Yes.

Q And there were civilian German workers working in the tunnels on this construction project?

A Yes, there were. They were not workmen, they were foremen, more foremen than workmen, because the slaves had to do the work you see, and they were the gentlemen.

Q But as far as the conditions of the air they had to breathe and the water they had to drink and the temperature that they had to be subjected to, it was the same for the civilian workers as for the prisoners, was it not?

A Yes, of course.

Q Do you recall your testimony with regard to a beating that you saw in the tunnels in which a capo was beating a man that you saw?

A Yes.

Q Can you recall now whether that capo was one of the accused here present?

A I couldn't.

Q Do you recall your testimony as to the three beatings that you saw in the tunnels?

A Yes.

Q The first one, I believe you stated, was in December of 1944?

A Yes.

(Iwes - cross)

Q I believe you stated to the court that the reason that these hangings were held in public--that is, that all the inmates were made to attend, was in order to deter them from committing sabotage; is that correct?

A That is true, the first case I mentioned. I think that the two last cases it was this report to other conditions. Other circumstances.

Q Do you know why these other people were hung in the other two cases?

A I do not know.

Q Can you tell the court whether, to the best of your knowledge and recollection, any of the accused who are here present participated in or were present at any of these three hangings in the tunnels?

A No, I cannot, for the reason that I explained to you before.

Q And on the three occasions in which you witnessed these three hangings, these were occasions during those five day periods that you worked in the tunnels?

A No, because the last time that I left for the hospital was about the 15th of December. The first hanging I witnessed was towards Christmas.

Q Of what year?

A 1944.

Q That was the first hanging?

A The first hanging. And the second and the third hangings took place in 1945.

Q Do you remember approximately what months?

A It was towards the end so that it should have been end of February or beginning of March.

Q You mentioned that at this third hanging when you and your comrades tried to show your respect for the prisoners who had been killed, you were beaten. Who beat you?

(as - cross)

A That was the SS as well as the capos.

Q Do you recall the names of any of the people who beat you?

A No.

Q Do you recognise their faces as being any of the people here?

A I do not.

Q Do you recall your testimony as to the medical conditions in camp and hospital?

A Yes.

Q You stated that at first when you first went in there the conditions were good, or fairly good. Can you give the court the approximate dates that you mean when you say"at first"? What date was that?

A Well, not the medical conditions. I mean especially to the question of the beds which were feeble. When I meant to say that it was rather good, that was in the beginning of 1944.

Q Is that approximately the first two or three months of 1944?

A About the first six months. Of course you must make a differences between the hospital itself and the blocks which were called the Schonungs blocks. Inthe Schonungs barracks of course the people who had to recover from illness were put for weeks. And in the Schonungs barracks we had to live two or three in one bed in order to empty the hospital.

Q And was that at the beginning of 1944?

A That was in the middle of 1944.

Q During the period in which you say that the conditions were fairly good as far as beds and linen and so on, do you know who the medical officer in charge was?

A You mean to say the German doctor?

Q Yes, the SS doctor.

A Well, I have known Dr. Kahr.

Q Kahr?

A Kahr.

Q Was he there in the first part of 1944?

A I cannot say exactly but anyhow he was there in the middle of 1944 until the end and then he has been replaced by another doctor.

Q And later, when conditions became worse, that would be the latter part of 1944, I take it, and the first part of 1945. Is that correct?

A Yes, the work conditions gradually became better when the factory was organized, but you must--I have to make this remark--that the working hours were 12 hours a day and from time to time eighteen.

Q My question is with reference to the conditions in the hospital in the rivers, or the medical facilities.

A Yes.

Q At this later period, when conditions, you say, became worse, who was the officer in charge at that time?

A That was not the consequence of the doctor, it was the consequence of the many illnesses growing worse and worse, you see, and more people had to go to the hospital.

Q But Dr. Kahr was still in charge at that time, was he not?

A Yes.

Q During that period when the conditions in these hospitals became worse, isn't it a fact that large numbers of prisoners were brought in from other camps in very poor conditions?

A Yes, many of these ill people came from Ellrich. It was a very bad camp. When I say Ellrich, I mean to say also Harzungen and Brankenburg and others.

Q Do you know whether any of these patients came there from other camps that are not part of the Nordhausen chain, such as Buchenwald, Auschwitz and other concentration camps?

A These inmates coming from Auschwitz and from Gross Rosen, that

(Iwes - cross)

was in consequence of transports.

A There were large numbers of patients flowing in from other camps and taxing the facilities of the hospital at Dora, weren't there?

A Yes. I suppose so.

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Q With regard to your testimony as to the accused Moeser. You stated that you have considered him to have been responsible for many of the poor conditions in the camp, is that correct?

A Yes.

Q Did you see him personally beat or kill anyone?

A No. I have never seen him killing somebody, but I have seen him beating somebody.

Q Whom did you see him beat?

A An inmate.

Q Will you tell the court about that occasion please?

A One day at Appel Moeser passed and I do not know for what reason, because I was rather far away--we were thousands of men waiting there of course--but he went to him at one moment I saw him going to him and beat him.

Q What did he use to beat him with?

A He boxed here--done like this.

Q With his hand?

A With his hand.

Q Moeser was a subordinate to the camp commandant was he not?

A I can't say exactly.

Q Moeser was not the camp commander was he?

A No, he was the camp fuehrer. You have a responsibility.

Q There was a camp commander at Dora as well was there not?

A Yes.

Q Did you know his name?

A Foeschner.

Q His rank?

A His rank, no.

(Iwes-cross)

Q Do you know whether he held a higher rank than Boeser?

A What rank he had? No, I don't know.

Q Do you know whether he had a higher rank than Moeser?

A No, I don't know.

Q You never had any occasion to visit the Post Office yourself, did you?

A Never. We couldn't come then before the hole where the packages were given.

Q So this testimony that you gave is to the effect that it was reported that the SS had special sacks for the sugar and for the macaroni was based upon something that you heard someone else tell you?

A That is it. I can tell you that I have heard it off of a boy, a Belgian, a certain Pierre who Andrae must know himself, but he died in the Nordhausen when he was gone to Nordhausen.

Q I became a little confused in your testimony Mr. Iwes with regard to these transports. There was one transport in which you say that only only 66 people returned?

A Yes.

Q That was ---

A That was the transport of the month of March.

Q That was not the transport which was headed by Moeser?

A I do not know.

Q Do you know whether any of the accused were present or participated in that transport in March?

A I don't know.

Q This other transport in which Moeser was the commander is the one which occurred as the evacuation transport at the end of the camp, is that right?

A Yes.

Q And during this particular transport did you see the accused Moeser or did you hear him give any orders to shoot or to kill anyone?

A Personally, no.

Q You mentioned an incident in which an SS man shot in the back of the head a prisoner who was drinking water at the brook, didn't you? Was that man who did the shooting any of the accused in this case?

A I don't recognize one of them as being the man who did the shooting.

Q I gathered from your narrative of this transport that there was a great confusion and disorganization and great lack of discipline in this transport, is that correct?

A The SS men had charged several capos to overlook what happened in the block or trucks I should say.

Q But there was quite a lot of confusion wasn't there?

A What do you---

Q Let me ask the question in a little different way.

A In a different way, please.

Q You stated that the SS men, several of them, were drinking champagne and having a merry old time during the transport did you not?

A When?

Q It must have been fairly well demoralized was it not?

A No, I have never seen them demoralized.

Q You were subjected to constant air attacks were you not, during this march?

A Yes.

Q And that of course must have created quite a lot of confusion did it not?

A No, because we couldn't get out of the trains. We had to stay in the wagons you see.

Q Did you observe any of the difficulties that Moeser was having in trying to control this transport in trying to get railroad connections

(Iwes-cross)

for the trip, to make the necessary movements so that the transport could get to its destination?

A Yes, when you are brought on the way first in the direction of Hamburg then you come back to Berlin, the neighborhood of Berlin in order to go to Ravensbruck. You must understand that there was, of course, something that happened. I don't know, of course, whether we have been supposed especially to the American air attacks. We took the long voyage to be exposed all the time to the attacks of the allies.

Q Did you have occasion, during the course of this transport, to observe Lhecor--that is yourself personally?

A The only moments that I have seen Kposer was at Osterode when we had left. Then we had to leave the train, and the second time was Nauen.

Q What was his personal conduct at the time you observed him?

A He was very nervous.

Q Did you know whether or not he was receiving conflicting orders from higher headquarters as where to take this transport.

A He did not know.

[illegible] I have no further questions. Doctor Aboimer wishes to question the witness on behalf of the accused Simon. Doctor Stamer will question him later on in behalf of the accused Andrae.

[illegible]:

Q Mr. Iwos, you said you had come from Buchenwald to Dora, is that correct?

A Yes.

Q How long were you in Buchenwald?

A Two months.

Q Did you get to know a labor allocation leader with the rank of SS Captain and by the name of Schwartz in Buchenwald?

PRESIDENT: Mr. Iwos, I remind you again to wait until the question is translated before you answer it.

(Iwos-cross)

THE WITNESS: I beg your pardon, sir.

A No.

Q When you came to Dora, Dora was an outcamp of Buchenwald, is that correct?

A It was said to be, at that time, an outcamp of Buchenwald.

Q Isn't it a fact that the labor allocation leader SS Captain Schwartz of Buchenwald at that time also was labor allocation leader of Dora?

A I do not know because I have never heard his name.

Q When did you get to see Simon the first time?

A That is a very difficult question.

Q According to your best estimation?

A It must have been in the end of 1944.

Q End of 1944 is that correct, and came to Dora the third of January, 1944? That means the beginning of 1944, is that correct?

A Yes.

Q Who sent you to the work detail Hochteif?

A The capos who received me at that time at Dora and who received received their instructions I think from the arbeitstatistic.

Q Do you consider Simon responsible for the conditions and their results is that correct?

A Yes.

Q Will you please mention the reasons for that?

A If you are arbeitseinsatzfuehrer you take at the same time a responsibility.

Q And you don't know that at the time when Dora was an outcamp of Buchenwald the labor allocation leader was SS Captain Schwartz?

A No, because I told you that I never heard the name Schwartz.

CAPTAIN RYAN: I---

(I was-cross)

DOCTOR AHRENS: No further questions.

PRESIDENT: The court will recess for 15 minutes.

(Thereupon at 1600 hours the court recessed.)

PRESIDENT: The court will come to order.

PROSECUTION: If it please the court, let the record show that all members of the court are present; counsel for the prosecution and counsel for the defense including German counsel are present; all of the accused are present and the interpreter and the reporter are present.

At the close of the last session Mr. Iwes was under cross examination.

PRESIDENT: The witness is reminded that he is still under oath.

HENDRIKUS CORNELIS IWES, called as a witness by the prosecution, being duly reminded that he was still under oath, resumed the stand and testified further through an interpreter as follows:

CROSS EXAMINATION

QUESTIONS BY DOCTOR AHRENS:

Q Mr. Iwes, isn't it a fact that Simon had a rank of an SS Staff Sergeant?

A I do not know.

Q When did Camp Lora become independent?

A I think in the second part of 1944.

Q Did you get to know from that time on an SS Lieutenant Kurs?

A No.

Q Did you get to know an SS First Lieutenant Sell in Lora?

A No.

Q Isn't it a fact that the labor allocation leader in Camp Lora from June, 1944 was SS Lieutenant Kurs and from December, 1944 was SS First Lieutenant Sell?

A I can't tell you.

(Iwes-cross)

CAPTAIN RYAN: If it please the court, the counsel is starting to get argumentative. The witness stated that he did not know Kurs or Sell. He stated he did not know them and now counsel is starting to ask him whether they weren't in charge of labor allocation during certain periods of time. The witness has already gone on record showing that he didn't know them and counsel for the defense is being argumentative.

DOCTOR AHEIMER: I believe the objection is not placed properly because the witness has been asked by me at first whether he just knew the persons Kurs and Sell and nothing further. He did not state that he did not know of the existence of these two people.

PRESIDENT: The objection is overruled. The witness will answer the question.

DOCTOR AHEIMER: Should I repeat the question?

THE WITNESS: Plea e.

PRESIDENT: The reporter will read the last question.

(Thereupon the reporter read the last question and the answer as follows:

"Q Isn't it a fact that the labor allo ation leader in Camp Dora from June 1944 was SS Lieutenant Kurs and from December 1944 w s SS First Lieutenant Sell?

A I can't tell you.")

DOCTOR AHEIMER: No further questions.

DOCTOR RENNER: Cross examination on behalf of the accused Andrae.

QUESTIONS BY DOCTOR RENNER:

Q You recognised the accused Andrae as the man who was in charge of the Post Office in Camp ora, is that correct?

A Yes.

Q Do you know during which times andrae was in charge of the Post Office?

A No, I don't.

Q Do you know in connection wi h the ame Andrae other n mes in connection with the Post Office of Camp Dora?

A No, I o not.

(Iwes-cross)

pld-40-8

Q Did you see personally how Andrae opened a package and stole things out of it?

A No, I didn t.

Q Do you know the route that packages took from the moment they arrived by rail until they got to the hands of the prisoners?

A In general I want to reply that I have never b en in the Kommando of the Poststellar, but all inmates have seen packages come or trucks going to the Poststellar.

Q And do you know which route the packages took when they came to the Post Office until they reached the prisoners?

A Spoken in general, no.

Q Do you know particulars of this routing?

A Yes. Of this routing? That is right. Yes. Inmates were designed to bring packages from the Poststellar to the several barracks.

Q And where would the prisoners pick up the packages at the Post Office or the orderly room?

A I have seen myself that they took them at the Post Office.

Q Were you acquainted with the censorship regulations while you were in Lora?

A No.

Q Isn't it a fact that at the head of each letter there was a remark made what kind of things prisoners were allowed to receive?

A No, because we were not allowed to write letters. The only thing we could write was a simple post card and at one time we couldn't write more than seven lines.

Q Isn't it a fact that it was published that several or special things were not allowed to be sent?

A No. I want to mention to this question that the regulations of

(Iwes-orcss)

sending articles to the prisoners were made by the red cross in different towns in Belgium.

Q Do you know w at happened to those packages? The packages which were addressed to prisoners who had died in the m antime?

A They disappeared.

Q Were you acquainted with the directives with respect to such packages that existed in the camp?

A No.

Q Your recollections that you have do they date back to the time of January, February, 1944 or to a later date?

A In the beginning of 1 44 when I was in the tunnel we received our packages in the blocks. Afterwards when we lived in the blocks we could, of course, see what happened by the sending of parcels from the Poststellar to the blocks.

Q Isn_t it a fact that boxes had been placed in the Post Office and all food items of packages whose addressee was illegible were placed in those boxes?

A I am unable to reply.

Q Isn't it a fact that the contents of these packages were turned over to the kitchen of the prisoner's company?

A I don't know.

Q Are you acquainted with the fact that tobaccos were supposed to be turned over to the camp leader by order of Leader Foerschner?

A No.

Q Did you ever see in Dora that prisoners who marched in some details were issued cigarettes?

A When I lived in the tunnel at the beginning of 1944 we received three cigarettes, Polish, per day, but I know that capos who had beaten for instance, somebody, went to the rapport fuehrer and in order to be rewarded they got French cigarettes.

Q Do you know that the accused, Andrae, was frequently outside the camp in out camps?

A No.

Q Do you know the names of prisoners who were working with the Post Office in addition to Pierre you mentioned already?

A Pierre who died and besides I knew the Belgian with the name of Van Hof or Vanden Hofer.

Q Otherwise you didn't know anybody else?

A No.

DR. RENNER: No further questions.

DEFENSE COUNSEL: There are no further questions by the defense.

PRESIDENT: Redirect?

CAPTAIN RYAN: Yes, sir.

Iwes-cross

REDIRECT EXAMINATION

QUESTIONS BY CAPTAIN RYAN:

Q Mr. Iwes, there has been some comment made by the defense about your time spent in a hospital. Will you please tell the court how you happened to be in a hospital and how long you stayed there?

A From the end of the year 1944, out of 365 days I stayed in the hospital for 276 days. It was in consequence of one of my friends, Dr. Grunerfeld and Dr. Cespiva to whom I am due to being alive still.

Q You mentioned before that prisoners came from Ellrich, Harzungen, and Blankenburg. Were these out-camps of Dora?

A Yes.

Q Did you have occasion to speak with these patients with reference to conditions at these out camps?

A Yes, I had several friends who were sent to these out camps. Especially I would mention Ellrich, Harzungen and Blankenburg. These inmates were working in the same bad conditions in the second part of 1944 as we had worked ourselves in the beginning of 1944 in the tunnel. Perhaps conditions were still worse because they had to dig out thick holes and trenches in these camps and had to stand there for the whole day long with their feet in mud and water. As to Ellrich, I have been told from one of my friends that at one moment clothing was very scarce, because it has happened that when the day shift came back, the night shift had to clothe themselves with the clothes of the day shift, so those who didn't work were naked and had to stay in blocks.

CAPTAIN RYAN: That is all.

DEFENSE COUNSEL: No further questions by the defense.

EXAMINATION BY COURT

QUESTIONS BY MEMBERS OF COURT:

Q Tell the court, if you know, the nationality of inmates or prisoners of Camp Dora other than German nationals.

A Well, as an example I can tell you that one time when I was in the hospital living in Room 7 we were 21 and from this 21 we were 17 nationalities.

Q What were those nationalities?

A Dutchmen, Belgian, French, Polish, Czechs, Swiss, Russian, Danes, Norwegian, Spanish, Italian, people who didn't call themselves Russians but Asiatics, the Jews.

PRESIDENT: Questions by other members of the court? Apparently not. The witness is excused.

CAPTAIN RYAN: If it please the court, I would like permission for Mr. Iwes to be permanently excused. He wants to go back to Belgium if possible. If he is needed again he will be subject to call.

DEFENSE COUNSEL: The defense has no objection to excusing this witness permanently.

PRESIDENT: Do I understand, Mr. Iwes, that you will be available, on call, if it should be necessary to call you back here?

THE WITNESS: Yes, sir.

PRESIDENT: Very well, then, you may be permanently excused.

THE WITNESS: Thank you, sir.

(Whereupon the witness was excused and withdrew.)

CAPTAIN V MCGARRY: The prosecution calls as its next witness, Dr. Hellel Louws Groeneveld. If the court please, Dr. Groeneveld belongs to a religious sect called the Mennonites and his religion does not allow their members to make an oath and he would prefer to take an affirmation.

HERSEL LOUWS GROENEVELD, called as a witness by the prosecution, being duly affirmed testified as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION (CAPTAIN MCGARRY):

Q What is your full name?

A Hersel Louws Groeneveld.

Q Where do you reside?

A Nymegen, Holland.

Q What is your occupation?

A Medical doctor.

Q Your age?

A 40 years old.

Q Your nationality?

A Dutch.

Q Dr. Groeneveld, I understand that you are a medical doctor. Would you please tell me what your education consisted of?

A I have made my studies at the University of Amsterdam, the years 1928-1933 and I have made my thesis in the year 1940.

Q In Holland I believe you said that you left the University of Amsterdam in 1933 and you wrote your thesis in 1940?

A That is right.

Q What did you do during that period?

A I had an office in the town of Nymegen.

Q In other words, under your educational system there when you finished the university you practice for a number of years, and you write your thesis and then you become a full fledged doctor?

A No, it isn't so. When you have ended your studies you have the right to practice, but when you have made your thesis you can call yourself a doctor.

Q What type of medicine did you practice from 1933 until 1940?

A The internal diseases.

Q Did you engage in a general practice? Did you do surgery or did you specialize in a certain type of medicine?

A General practice.

Q Doctor, were you ever an inmate of a concentration camp?

A Yes, I was.

Q What camp were you an inmate of and what were the respective dates that you were an inmate of these camps?

A In Germany I was in the camp of Buchenwald from May, 1943 until August 1943 and at the end of August, 1943 I came in Dora until 5 April 1945.

Q Did you have any special position at Dora?

A I worked as a doctor in the hospital.

Q You went to Dora in August of 1943. With which group of people did you go to Dora?

A I was among the first group of 107 people.

Q -y that do I understand that that 107 people were the first inmates of Buchenwald to e sent to Dora?

A Yes, that is right.

Q. that time did you set up a hospital or a dispensary

A Yes, we did. t the first time there was only a field and we had to build a hospital.

How big was this hospital? How many beds did 't have in there?

A In the beginning there was only a tent with 10 or 12 beds and later on after some months we got a barr cks.

Q Was this hospital large enough to take care of the sick peo le at Dora?

A In the beginning we didn't have much sick people, but in the month f October it started and illness became very frequent.

Q In the month of October how big was the hospital?

A We had two tents then.

Q In the average, can you remember the average num er of patients you would have per day, that is, of new patients?

A You mean in the month of October, or l ter?

Q Beginning with the month of October and going down to the end. If the hospital was ever enlarged at that time let me know.

A I had to exam ne every day I think 40 or 50 patients.

Q When was this, doctor? Was this in October you are speaking ab ut?

A Yes, but later it was far more than 50. I had to exam ne two or three hundred in a day.

Groeneveld-direct

Q Did that average, 200-300 a day continue or did it vary?

A In the beginning it was not so much but it raised and then it became 200-300 a day and that was so until the end.

Q At the time you were treating 200-300 people a day how many beds did the hospital have at that time?

A I could speak now of 19 4. Then we had almost 1500 sick people and for this 1500 sick people we had 600 beds.

Q Would you please speak up, doctor?

A Yes. I speak now of the year 1944, then we had almost 1500 sick people in the hospital and for this 1500 sick people we had 600 beds. The sick people had to lay with two or three in one bed, many times without any clothes and two or three men with one or two blankets and in the night these people had it very cold.

Q During this period you are speaking about did you accept everyone into the hospital who were recorded sick or was it necessary to send some sick people away?

A We had to send away many, many people, I think 75% we had to send away.

Q What was done for this 75% of the sick people who were turned away from the hospital?

A A little part of them got light work and the other part had to go to work again.

Q Did any of these people of your knowledge ever return to the hospital, that is, these people who were turned away, return at a later date?

A Many of them returned a few days later in a condition much worse than a few days earlier.

Q Were they accepted into the hospital at that time?

A If there was a possibility to get them into the hospital I did it.

Q Will you tell me what type sicknesses the patients in the hospital were suffering from and what kind of treatment you could give them, what medicines you had to give them, etc.?

A In the first place, there was pneumonia; in the second place there was tuberculosis; in the third place there was edema; in the fourth place there was polyneuritis. Then there were the illnesses caused by the lack of vitamins. One of them was important, it was the scorbut, and the last one was also fairly important, the dysentery.

PRESIDENT: The court will recess until nine o'clock to-morrow morning.

(Whereupon the court at 1700 hours recessed until 0900 hours, 13 August 1947.)

MILITARY GOVERNMENT COURT VOLUME 5

CASE RECORD Pages 334-414 incl.

CASE NO. [illegible] PROSECUTOR Lt. Col. [illegible] Norman

*SUMMARY
INTERMEDIATE MILITARY COURT
GENERAL

DEFENSE COUNSEL Major [illegible] Poullada
Kelly Junior
INTERPRETERS [illegible]

PLACE Dachau, Germany

REPORTERS [illegible]
[illegible]
[illegible]
[illegible]

DATE 17 March 1947

WITNESSES

Dr. [illegible]

No Witnesses

ACCUSED [illegible] et al

ADDRESS _____ SEX _____ AGE _____

FIRST CHARGE SECOND CHARGE

PLEAS

FINDINGS

PREVIOUS CONVICTIONS

IMPRISONMENT (TERM _____
(
(BEGINNING _____ 194_____

SENTENCE

FINE AMOUNT _____
TO BE PAID BEFORE _____ 194_____
FURTHER TERM OF _____ IMPRISONMENT

CHARGE SHEET AND RECORD OF TESTIMONY ARE ANNEXED HERETO.

_____
SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY _____

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SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

RECORD OF TESTIMONY

in trial of

THE UNITED STATES Versus ARTHUR KURT ANDRAE, et al

by

GENERAL MILITARY GOVERNMENT COURT

tried at

DACHAU, GERMANY BEGINNING 7 August 1947

13 August 1947

PAGES 354 - 414 Incl.

TESTIMONY

WITNESSES	Direct	Cross	Redirect	Recross	Court
DR. HERBERT LOUIS GOEMMEL	334	356	392	396 399	397
ROMAN DR HO	400				

a.P achen, Germany

13 August 1947

MORNING SESSION

(Thereupon the court reconvened at 0900 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all the members of the court are present, the prosecution and defense are represented by counsel, all of the accused are present, the reporter and interpreter are both present.

The witness Groeneveld at the end of the last session was under direct examination.

PRESIDENT: The witness is reminded that he is still under his affirmation.

BRUSSEL LOUIS GROENEVELD, called as a witness by the prosecution, resumed the stand and being reminded that he was still under affirmation, continued to testify as follows:

(Thereupon the proceedings were translated into the German language.)

CAPTAIN McCARRY: If the court please, I would like the last question and answer re-read to the witness.

PRESIDENT: Will the reporter read the last question and answer?

(Thereupon the last question and answer were read by the reporter as follows:

"Question: 'Will you tell me what type sicknesses the patients in the hospital were suffering from and what kind of treatment you could give them, what medicines you had to give them, etc?'

"Answer: 'In the first place, there was pneumonia; in the second place there was tuberculosis; in the third place there was edema; in the fourth place there was polyneuritis. Then there were the illnesses caused by the lack of vitamins. One of them was important, it was the scorbut, and the last one was also fairly important, the dysentery.'")

DIRECT EXAMINATION (continued)

QUESTIONS BY CAPTAIN McCARRY (continued)

Q Now, Doctor, were there any other diseases that these people suffered from?

A Yes. I can add phlegmons; I can add accidents that we had to

(CROENEVELD-Direct)

treat; and I can add typhus. If you will treat the pneumonia and the dysentery you need a medicament called sulfanamid. If I had 50 patients suffering from pneumonia I could only treat 4 or 5 with this medicament; the other patients I had to treat with cold packing, if the fever went too high. The dysentery I could only treat with carbon, and the Germans give a chalk. When we would treat tuberculosis you need in the first place, fresh air, good food, and rest. In '45 I had 500 cases of open tuberculosis -- this means infectious -- and these 500 were in one barrack and they lay with 3 people in one bed. The windows had to be closed, for they had not enough blankets and had it too cold when the windows were open.

Q Now, Doctor, these cases of TB, did they remain in the hospital at Dora or were they sent some other place?

A I spoke now of in 1945, these people stayed in Dora, but before there were some transports of people who were suffering from tuberculosis and other severe illnesses.

Q Where were these transports sent, Doctor?

A I know three transports -- two in the beginning of '44. They were sent, they said, to Lublin. The other was sent to Bergen-Belsen.

Q Where is this place Lublin that you mentioned?

A In Poland.

Q Now, can you tell us why these people were sent there?

A They were too weak and too ill to work, and in the factory they needed not people who were too ill.

Q Do you know that in the condition of these patients how advanced the stage was of their illness?

A The condition was very bad. I think the biggest part of them have died during the transport. I have spoken with one Pole who has come back from such a transport and he said to me that there were very few of them have survived.

Q What provisions, if you know, were made for the care of these

TB patients on these transports?

A No provisions at all. I have seen them loaded in a truck all together. I think there were 60, 70 in one wagon, and many of them were dead already when they came to the station.

Q Is that the station at Dora before they were put on the transport?

A Yes.

Q Now, Doctor, can you tell me in your opinion what these cases of TB were caused by?

A In the first place, the inmates had not enough cloth.

Q Excuse me, Doctor, by that do you mean clothes?

A Clothes, yes. And when it rained and the inmates were wet they hadn't occasion to dry their cloth. In the second place, the conditions in the tunnel were very bad. It was wet in the tunnel, it was dusty, and first they got pneumonia and afterwards came the tuberculosis. And then, of course, the undernourishment which was a very important cause.

Q Doctor, do you know the ration that these inmates received?

A We got 400 grams of bread a day and three-quarters of a liter soup, and two or three times a week we got 20 grams of fat; and we got three times a week 30 grams of meat.

Q Now, Doctor, was this the ration that you received in the hospital or is this the ration that the people who worked in the tunnel received?

A In the beginning the food ration was the same in the tunnel as in the hospital, but later -- and it is one of the matters of Dr. Kahr, the SS medical doctor -- that ration in the hospital became a bit better.

Q Now, Doctor, is this the ration that the inmates actually received or is this what they were supposed to receive?

A It was the ration that they were supposed to receive. I can add that this ration was 900 to 1000 calories, and you will know that a worker needs 3000 calories a day and if you have hard work you need more than that.

Q Would you say that the work that these people in the tunnels did was hard work or light labor?

A It was hard work.

Q Now, Doctor, did you ever have occasion in your duties to go into the tunnel?

A Yes, I had. In the beginning I was every day in the tunnel. I had a dispensary there and I had to treat people in the tunnel also.

Q Doctor, can you tell us anything about the sleeping conditions in the tunnel?

A We had --- All people had to sleep in the tunnel -- I, too. You had to do work in 12 hours. One part of the inmates 12 hours and the other part afterwards. Those who came after the others had to sleep in the same bed.

Q How many hours' sleep would an inmate get?

A They get not more sleep than 5 or 6 hours. They had to work 12 hours and afterwards they had to do other work. They had to clean up, to discharge wagons, to wait for their food.

Q Now, Doctor, you mentioned several types of illnesses. What is this illness phlegmon which you spoke about? How does that evidence itself in a person?

A Phlegmon is an infection under the skin and it gives high fever and many times you are poisoned, and many times you had to open these phlegmons and therefor we had not enough anesthetics. I have seen from the German male nurses who came from Buchenwald how they give the anesthetic. They knocked the inmate down and when he was "dizzled" they give the incision.

Q What causes phlegmons? Or, what caused it at Dora?

A It is an infection ---

Q What caused the phlegmons at Dora?

A You got a very little wound on your foot or somewhere else and because you had not enough resistance it became a real infection. You don't

see it in common life; only in the concentration camps I have seen that. You don't see it otherwise.

Q Would you know offhand about how many cases of phlegmons there were at Dora in the time that you were there?

A It was so frequent that I can't say.

Q In your opinion, could this disease, the phlegmon, been avoided among the inmates?

A Surely. If we had more food and not so overwork, we would have more resistance to these phlegmons.

Q Would clothing have any effect on that phlegmon?

A No. Only the bad shoes. It has a very bad effect.

Q Would the general sanitary condition of the camp have any effect on this phlegmon?

A Yes, surely. And we were dirty; we hadn't occasion enough to wash us. In the beginning there was only one pipeline and in this pipeline were some leaks and there we tried sometimes to wash ourselves, but if the SS saw it we were beaten; and there was not the possibility to change your underwear.

Tk 42-gma-Lo ruhmuson-6/13/47-1

Q You mentioned another disease, edema. Will you please explain what that disease is?

A When you have edema you have water in your legs, and it is a lack of Vitamin B. Most people, I think 60 or 70 percent, suffered from this disease.

Q In your experience in civilian life, have you seen that many cases of edema?

A I have never seen it.

Q What treatment could you give those people who were suffering from edema?

A We hadn't any treatment for it, but when rest and when you put the legs high the water went out.

Q You mentioned another disease, polyneuritis, what is that disease, doctor?

A Also a lack of Vitamin B-2.

Q How does that disease evidence itself in a person?

A Persons were quite paralyzed.

Q What treatment did you give these patients?

A Only rest.

Q Was there any other treatment that could have been given to him?

A Once we could give Vitamin B, but I hadn't enough so that I could treat only a few men.

Q Now, in those different diseases where you had some medicines and some treatment to give a few of the men and you could not treat the rest of the people suffering from those diseases because of lack of medicaments, what happened to those people?

A Most of those people died.

Q Do you have any idea, Doctor, of the number of people who died from those diseases because you were unable to treat them, that is, just those people who came to the hospital for treatment and were turned away?

A You would like to know the whole number or the percent.

Q If you know?

A It was thousands of people.

Q You mentioned another illness there, Doctor, scorbud? What is the cause of this disease, and how does this evidence itself in a person?

A It is a lack of Vitamin C, and you get an infection everywhere. Your teeth just fall out, and you have bleeding in all your organisms. It was caused by the lack of vegetables. We hadn't any vegetables at all.

Q What treatment could you give these people suffering from scorbud?

A Some of them I could treat with Vitamin C, but there is all the same case--I hadn't enough.

Q Another disease you mentioned, Doctor, was dysentery. What is dysentery, and what is the cause of it?

A Nobody knows exactly what is the cause of it. Probably it is an infection of the intestinals caused by bad water in the first place, and in the second place, the lack of food, and food which is infected. You had to treat it with sulfanamid. You have a bad diarrhea. You have to get out 20, 30 times a day, and when you are with two or three people in one bed, it is not so easy. In the beginning I had in my hospital no light at all, and we had to organize, that is, to steal lamps out of the tunnel.

Q These people whom you say were suffering from dysentery and sometimes three in a bed, what efforts were made to assist them to relieve themselves?

A None. I have said it already I could give them chalk, and when you give them six or seven spoons of chalk, the diarrhea begins to decrease. And I had to give them carbon. That has the same result.

Q Doctor, I was asking you about the physical relief of these persons. In other words, I want to know about the toilet facilities there--the number of nurses, and so forth to take care of these people.

A In the beginning we hadn't toilets at all. When I came in Dora

I had to dig myself a hole as a latrine, and I have said it already, when you have to get out in the night so many times without any light, it was very bad. Later we had one barrack, and there were put up a buckets outside of the barrack, and you could get out in the night. Then we got it, the hospital, it was a bit better. I can tell you that we had one male nurse on 80 patients.

Q Were these male nurses sufficient to assist in the treatment of all patients of the hospital?

A They weren't. You needed at least four or five male nurses on fifty patients.

Q Doctor, what would the result be if one of those patients suffering from dysentery was physically unable to get out of bed to leave the hospital to go to the barrack to relieve himself?

A Sometimes the male nurses had to bear the patients themselves outside of the barrack to go to the buckets.

Q What happened other times?

A You had to stay in the bed and to die there.

Q Now, you mentioned those diseases that the people suffered from. Did they ever suffer from combinations of two or more of those diseases at the same time?

A I have mentioned already that many people get first pneumonia, and afterwards tuberculosis, and several of them had at the same time dysentery.

Q Now, Doctor, you said at one time you had your dispensary in the tunnel, is that correct?

A That is correct, Yes.

Q What can you tell me of what you observed of the physical condition of the people working in the tunnels.

A There was a very bad undernourishment, and the people were sometimes tired to death. I have seen people working quite normally pushing a cart or something like that. At the moment they set down, and in a minute

they died. I had never seen it before. They were tired. They couldn't go any more.

Q Were there any work details or commandos at Dora that were a bit more difficult for the inmates than others?

A The drill commando was the worst. When they drilled, one would drill always like that (indicating), he was covered with dirt and it was wet. These things made that so people were dead or died in a few weeks.

Q Were there any other commandos that you recall?

A The transport commando was also very bad.

Q What work did these men have to perform?

A They had to bear all kinds of wood. They were constructing the buildings and the barracks.

Q Do you recall if they had to carry anything else?

A I don't.

Q Doctor, did you ever hear of the bunker at Dora?

A Yes, I have.

Q Did you ever visit it?

A I did. I had to come there if I was called.

Q Do you recall whom you were called by?

A No. Our capo said, "You have to go there", and I had to see to it that people who were beaten--

Q Before we go any further, Doctor, how could you tell these people were beaten?

A I could see it.

Q Well, what happened when you got to the bunker?

A I saw the inmates dead in the cells. Those cells were one meter and 80 large, and the length of two meters and a half, and I have seen sometimes that there were more than 20 people in there.

Q In your opinion, was a cell of that size big enough to hold 20 people?

A It was sufficient to have one people.

(Groszvold-Direct)

Q Well, let's get back to these times that you were called over to the bunker. Why were you called there?

A Because people were suffering from wounds from the beatings, from diseases, and sometimes I succeeded in putting them in the hospital.

Q Do you know if these wounds and the beatings were inflicted in the bunker?

A Yes, they had, because some people I had to treat told me.

Q Doctor, when you arrived at the bunker, was there ever anyone else there but the person who had been beaten?

A I have seen there Walenta. I saw there Kilian. And I saw there Deckert.

Q Do you recall if you saw anyone else there?

A I have seen that SS man--I don't know--

Q Before we go any further, I would like you to stand up and tell me if you can identify any of these men which you just named. Look around in the courtroom.

A He was in the post office (indicating), Andres. Number 2, Brauny, Number 3 is--

Q Would you please point to Andres?

A Number 1 is Andres. (Indicating) He was in the post office.

CAPTAIN MCGARRY: Let the record show that the witness has identified Number 1 as Andres.

THE WITNESS: Number 2 is Brauny.

CAPTAIN MCGARRY: Let the record show that the witness has identified the accused, Brauny, wearing a placard, Number 2.

THE WITNESS: Number 3 is Brinkmann.

CAPTAIN MCGARRY: Let the record show that the witness has identified the accused Brinkmann, wearing the placard, Number 3.

THE WITNESS: Number 4 is Buehring.

Tk 13-gms-Nordhmoor-3/13/47-6

CAPTAIN MCCARRY: Let the record show that the witness has identified Buehrin, wearing the placard Number 4.

THE WITNESS: Number 5 is Dettmers.

CAPTAIN MCCARRY: Let the record show that the witness has identified the accused Dettmers, wearing a placard, Number 5.

THE WITNESS: Number 6 is Fuchslocn.

CAPTAIN MCCARRY: Let the record show that the witness has identified the accused Fuchslocn, wearing a placard, Number 6.

THE WITNESS: Number 7, I don't know. Number 8, I don't know. Number 9 is Jacobi.

CAPTAIN MCCARRY: Let the record show that the witness has identified the accused Jacobi, wearing the placard, Number 9.

THE WITNESS: Number 10 is Killen.

CAPTAIN MCCARRY: Let the record show that the witness has identified the accused Killen, wearing the placard, Number 10.

THE WITNESS: Number 11 is Koenig.

CAPTAIN MCCARRY: Let the record show that the witness has identified the accused, Koenig, wearing the placard, Number 11.

THE WITNESS: Number 12 is Maischein.

CAPTAIN MCCARRY: Let the record show that the witness has identified the accused Maischein, wearing the placard Number 12.

THE WITNESS: Number 13 is Posner.

CAPTAIN MCCARRY: Let the record show that the witness has identified the accused Posner, wearing the placard, Number 13.

THE WITNESS: 14 and 15, I don't know. 16 is Simon.

CAPTAIN MCCARRY: Let the record show that the witness has identified the accused, Simon, wearing the placard, Number 16.

THE WITNESS: 17, I don't know. 18 is Valenta, and 19 is Zwirner.

CAPTAIN MCCARRY: If it please the court, let the record show that the witness has identified the accused, Valenta, wearing placard, Number 18, and the accused, Zwirner, wearing placard Number 19.

(Cromwell-Direct)

Tk :S-gma-Morahan cm-8/13/47-7

QUESTIONS BY CAPTAIN MCCARY:

Q Dr. Cronevold, before we were talking about bunkers, and you said that when you were there you saw Valenta and Rilian and a man by the name of Eckert there. I would like to know if on your visit you saw any of the accused present in the bunker?

A I didn't.

Q Now, doctor, do you know what Andree's position was at Dora?

A Andree was in the post office.

Q What can you tell me about Andree?

A I can tell about Andree that he in the post office was where the packages were to be received from our families, were pilfered, and, therefore, he is responsible for the bad condition we were in.

Q Doctor, did you ever receive a package from home or from the Red Cross?

A Yes, I did.

Q Tell me of your experiences with the packages that you received.

A Most of the packages didn't contain any fat and any canned food, and any cigarettes.

Q Doctor, how did you know that articles were missing from your package?

A Many times there was a list of the contents in it.

Q Did these packages which you received contain in them the articles listed on this list of contents?

A No, they didn't.

PRESIDENT: The court will recess for 20 minutes.

(Thereupon the court recessed at 1000 hours.)

* * * *

(The court reconvened at 1000 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: The record indicates that all members of the court are present, the prosecution and the defense are represented by counsel, all of the accused are present, the reporter and the interpreter are present. At the end of the last session the witness Groeneveld was still on direct examination.

PRESIDENT: If there are any persons among the spectators who are to be witnesses in this case, they will leave the courtroom.

PROSECUTION: A request has been made to me, sir, by one of the witnesses who have been excused, for permission from the court to take a few pictures in the courtroom. The suggestion was made to me by one of the members of the court that there might be a security problem involved and I should clear with the court, but Col. Mellon tells me that that is no longer a security problem and I make the request on behalf of the witness.

PRESIDENT: There is no objection on the part of the court as long as the picture taking is done in such a way that it will not interfere with the proceedings.

PROSECUTION: Assistant, if the court please, it is my understanding that these will be witnesses who have already testified and who have been permanently excused.

PROSECUTION: Yes, naturally; yes.

PRESIDENT: That is the courts' understanding.

PROSECUTION: Yes.

R. [illegible], called as a witness on behalf of the prosecution, having been previously affirmed, resumed the stand and testified further as follows:

PRESIDENT: The witness is reminded that he is still under affirmation. Prosecution will proceed.

(Groeneveld - direct)

QUESTIONS BY CAPT. McGARRY

Q Doctor Groenevald, just before the recess I was questioning you about the accused Andrae, and you stated that you know that articles were missing from your packages because you had a list of contents of the packages. Now, Dr. Groenevald, what items were missing from these packages that were listed on your list of contents?

A Many times there were missing meat, fats, and cigarettes, and these were the things which were the most important for us prisoners.

Q Why were these articles important to the prisoners?

A Because they contained many calories.

Q Do you know what was done with these articles that were taken from the packages?

A No, I can't say.

Q You have identified the accused Braany. Will you tell me who Braany was and what you know about him?

A Braany came with us at the end of August 1943 as the camp leader. and he is responsible for the conditions in the hospital and the sick people in the hospital were in in the first five months, I can tell you why. In these months all people had to sleep in the tunnel and I had my little hospital outside of the tunnel and in the evening ill people had to go into the tunnel with 40° of fever, with pneumonia, with tuberculosis, with wounds, with all these things they had to walk into the tunnel and you will understand that it was very bad for them and that it caused many deaths. We have asked Braany, especially the capo, to change this system but he refused.

Q Now when you say Braany was responsible other than as being the camp leader and acting camp leader at that time, do you know if he ever personally told someone to take these people out or anything of that nature? Take these people out of the hospital?

A For the ill people who had to go in the tunnel he was only responsible, but I can tell you that I had a dispensary in the tunnel and there he came some times and there was a queue of ill people waiting, and he came there and he said, "Get out, you can work. And you and you. What are you doing here?"

Q Do you know whether or not these ill people were sent back to work?

A Yes, they were and I have said, I am a doctor, I am responsible for it and not you, for the sick people. It has not any results.

Q Do you know anything else concerning the accused Braumy?

A I know that he assisted the shooting of seven Italian prisoners.

Q Do you know where this shooting took place?

A Yes, I know.

Q Please tell the court the incidents concerning the shooting that you recall?

A I have seen walking the seven prisoners and behind them Braumy, Jacobi and Koenig. I have not seen that they were shooting but I have heard shooting, and it was common knowledge in the camp that they were shot.

Q By whom?

A From the SS.

Q Hector, was it common knowledge that they were shot just by any SS men or by the three people whom you have named?

A That I can't say, but I can say only that these three people were there.

Q Did you hear any shots?

A I did.

Q Do you know whether these Italians were civilian internees or prisoners of war?

A They were prisoners of war.

Q Now, Doctor, the accused Jacobi, do you know his position at Dora?

A He was the man who was leader from the construction of the barracks.

Q What can you tell me about Jacobi?

A Jacobi was a rough brute. I have seen him beating many times.

Q Is he the same Jacobi who accompanied Brauny and Koenig on this previous incident you spoke about with seven Italians?

A Yes.

Q You mentioned the name of Koenig. Do you know his position at Dora?

A He had to look after the cars.

Q By cars, Doctor, do you mean transportation?

A Transportation cars; yes.

Q Did he have any other position or duties at Dora?

A Yes; during several months he was, I think, substitute camp leader.

Q Did he ever attend roll calls?

A Yes; many times.

Q Did you ever observe his conduct at roll call, or hear about his conduct?

A He had to bring the number of the inmates to Brauny and I have seen him beat many times. He loved to beat. I have seen him, when another was beating and it was not hard enough, he took the stick and began to beat.

Q Is this the same Koenig that accompanied Jacobi and Brauny at the time of this incident of the shooting of seven Italians?

A Yes, it was.

Q You have identified Moeser. Who is Moeser?

A He was camp leader. I think he came about, during 1944; I think in the middle of June or July, I don't know it exactly.

Q Were you on the evacuation transport in April of 1945, from Dora?

A Yes, I was.

Q Who was in command of the transport that you were on?

A It was Moeser.

Q What were the conditions on this transport?

A They were very bad. We were loaded with 80, 90, or 100 people in one wagon. We could only stand and not sit or lie. Some of the inmates had got some food but not all the inmates. During the transport, 26 people were shot and were buried in the woods near Tettenborn.

Q Any other people die on that transport?

A I had to stay at Osterode with more than four hundred ill people. We had to stay there because the truck was broken up and most of the people had to march, and all the people who were ill had to stay there. We remained there five days without any food and when people had to go out of their wagons there were shot 18 people. And during the transport until Osterode there were 15 people died. And these 33 people I have buried myself, with some other inmates, near Osterode.

Q Doctor, you have identified the accused Zwiener. What was Zweiner's work at Camp Dora?

A He was camp eldest and hangman.

Q Did you ever see Zweiner hang any one?

A Yes, I did.

Q Do you recall how many people you saw him hang?

A At least five.

Q You have identified the accused Kilian. What position did Kilian hold at Dora?

A I saw him some times in the bunker, and he was hangman.

Q Did you ever see Kilian hang anyone?

A Yes, I did.

Q About how many persons do you recall that you actually saw Kilian hang?

A At least fifty.

Q You have identified the accused Walenta. What was Walenta's position at Nora?

A He was an informer. I saw him some times in the bunker. He was on very good terms with the SS. He didn't wear a triangle or a number, and it was common knowledge that he was an informer.

Q The accused Walenta and Kilian, are they the same Walenta and Kilian that you mentioned earlier in your testimony as being present when you were called over to the bunker to treat people who had just been beaten?

A Yes, they were.

Q Do you know what happened to these people who were beaten in the bunker, whom you treated?

A No, I don't know. I had to treat them once and then I never saw them any more.

Q You have identified the accused Prinkmann. What was Prinkmann's position at Nora?

A So far as I know he was report fuehrer. That is, roll call leader, but I can't tell anything especially about him.

Q You identified the accused Fuchsloch?

Yes, I did.

Q Who is Fuchsloch?

A I know only his face. Sometimes I saw him in Nora, he was indicated as Fuchsloch, but I don't know anything about him.

Do you know whether he was an inmate or an SS man?

A He was an SS man.

Q You have identified the accused Fuehring; what can you tell me about Fuehring?

A I have seen him many times in the camp but I can't tell about him.

Q Do you know whether Buehring was an SS man or an inmate?

A He was an SS man.

pld-65-1

Q You identified the accused Dotmers. Do you know what Dotmers' position was at Dora?

A I know that he was adjutant of Foerschner the camp leader. I can't tell any things about him.

Q You have identified the accused Maischein. Could you tell me if he was at Dora and what his position was, if you know?

A Yes, he was in the supply room. He was an SS man, but I can't tell about him.

Q You have identified the accused Simon. Can you tell me what his position was at Dora, if you know?

A Yes. He was labor allocation leader and he is responsible for the work tempo.

Q Doctor, did you ever have occasion to visit the crematory at Dora?

A I was very often there. In the same room at the crematory I made my autopsies.

Q Why did you make autopsies?

A Because there were many cases of illness we didn't know of. We couldn't make any diagnostic and therefore, I have made after the deaths the autopsies and in the second place Doctor Kahr the SS Doctor has ordered sometimes to do an autopsy by people who were beaten to death.

Q Do you know why Doctor Kahr ordered these autopsies?

A He had always said, "In my camp I don't want dead people as beaten," and I made a record and he signed it and has sent it to Berlin or another place. I do not know.

Q How many dead bodies did you observe at the crematory on the occasions when you would be called there?

A What do you mean dead bodies of people--beaten or in general?

Q In general.

A Thousands and thousands of bodies.

Q I mean at one particular time.

A Many times there were one hundred or a hundred and twenty dead people.

Q Was this---

A Sometimes more. When there came the transports out of Poland from Auschwitz and Gross Rosen there were hundreds and hundreds of dead bodies and one week from Auschwitz there came a transport with 700 people dead.

Q Not talking about the bodies from Auschwitz, was the crematory at Dora sufficient to take care of the number of dead bodies?

A They had the capacity of 80 burnings a day.

Q Was this capacity of 80 burnings a day sufficient to take care of the number of dead at Dora for any one day period?

A Sometimes the capacity was not enough and they made a fire outside the crematory to burn the dead bodies.

Q Would you describe the method of burning bodies outside of the crematories?

A I haven't seen it myself.

Q Has any other inmate of Dora ever told you how it was done?

A Yes they did. It was a pile of wood and upon the wood the bodies were layed and burned.

Q Doctor, before you mentioned that you saw people in the tunnel the first time you had ever seen it working and they would drop dead before your eyes. How long did this condition of weariness on the part of the inmates working in the tunnel continue?

A Through the whole time that I was at Dora.

Q Doctor, can you give the Court any idea of the number of people who

(Gross-veld-direct)

died from this general weariness and exhaustion?

A At least 10,000.

Q Do you know if these deaths by weariness increased as time went on from the beginning until the end?

A The months of October, November '43 and Spring '44 were the worse.

Q Doctor, do you know when the barracks were started at Dora?

A The first barracks started at the end of '43 or the beginning of '44.

Q Do you know when they were finally completed Doctor?

A About August or September, 1944.

Q Did these deaths by weariness and exhaustion continue during the year 1944?

A Yes, they did.

Q Did they continue during the year 1945?

A Yes, they did.

Q Where did most of these deaths take place?

A In the tunnel.

Q Do you know which tunnels these deaths took place in Doctor?

A I don't know especially where.

Q Do you know what type of work was going on in these tunnels?

A The inmates have told me, but I for myself don't know it exactly. In the last time of my remaining there I was very seldom in the tunnel.

Q Were the tunnels you are speaking of the tunnels at Dora where the V-weapons--V-1 and V-2 were being manufactured?

A Yes, they were.

PROSECUTOR: The prosecution has no further questions. Has the defense any questions?

DEFENSE COUNSEL: Does the court wish to recess at this time or do you wish to go on?

(Groeneveld-direct)

PRESIDENT: No we will not recess.

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q Doctor Groeneveld, you have testified to some length as to the conditions which you observed in the tunnels. Will you please tell the court what dates your observations cover, exactly?

A It was from the beginning, that is August '43, until summer '44.

Q Can you give us the approximate month in the summer? Was it July August or June.

A No, I can't, because I worked outside the tunnel and only sometimes I came in the tunnel and in the beginning I came frequently but it became less and less.

Q Did you have any occasion to observe the conditions in the tunnels after the summer of 1944?

A I was only two or three times there after the summer of '44 and I cannot tell much about it.

Q Can you tell the court whether working conditions improved or deteriorated in the tunnel?

A I can only tell what the inmates told me, but I haven't seen it myself.

Q What did the inmates tell you Doctor?

A They have told me that the working conditions were still very bad because theyhad to work 12 hours and because the work tempo was too high. When they didn't work fast enough they were beaten.

Q Doctor, are you testifying about the prisoners now who worked in the construction part of the tunnels or those who worked in the manufacture of V-Weapons?

A Of both.

Q Do you know what type of work the prisoner who worked in the construction of the V-Weapons did?

A No, I don't.

pld-45-5

Q During this period that you were speaking from personal observation was there any construction of V-Weapons going on in the tunnels at the time?

A In the beginning not, but in '44 there was the beginning of the manufacture of the V-Weapons.

Q So that during the latter part, that is during the summer of 1944 when it was possible for you to make personal observations you did have an occasion to see prisoners working on V-Weapons, is that correct?

A Yes, I did.

Q What type of work were those prisoners doing, Doctor?

A I do not know what kind of work it was because I have only seen them working on these weapons. I was passing by and I was going to my dispensary and I haven't seen exactly what they did.

Q Well were they working at machines or were they carrying heavy parts or just the general nature of the work they were doing? You can certainly tell the court what you observed in that regard?

A Yes, they were porting heavy parts and they were also working on machines and I have seen them drill.

Q These V-Weapons, were they designed to fly Doctor?

A I think so.

Q And it is a fact that a rocket or any item that is designed to fly cannot be composed of heavy parts is that not a fact?

A That is right, sir, but I said--I certainly think a machine is also a heavy part.

Q Do you know, Doctor, whether the hours of work changed from 12 to 8 toward the latter part of the production schedule in the tunnels?

A No, I don't know.

Q You remember testifying Doctor that some SS men beat prisoners who were trying to wash in the leaks from water pipes?

(Cr-cross)

A Yes, I do.

Q Was that any of the accused whom you identified who did t is beating?

A No.

Q Now you have testified, Doctor, to some extent as to medical facilities in the camp. Would you please tell the court again the capacity of this prisoner hospital in beds?

A There is a difference from the beginning and during '44 and during '45.

Q Please tell us what the capacity was at both times at the beginning and the end, if you will?

A In the beginning we had a few tents with 10 beds each and in the beginning of '44 we got one barrack outside of the tunnel and we had there about a hundred beds and later on we got our hospital, a real hospital, and we had there about--I speak of '45 now--there were 700 beds I think.

Q Approximately how many beds per barrack in the hospital atthe end in 1945?

A It was different. One barrack had more beds than another and I don't know all the barracks, but I know barracks 17. They had about 80 beds.

Q Did you say 18 or 80?

A 80.

Q Doctor would you please step up with me to this sketch of the Concentration Camp Dora and indicate to the court with this pointer the hospital and which barracks they were using for housing sick prisoners?

First let me ask you this questions This area on this map which is enclosed by a fence in the center of the area marked "Prisoners Hospital" is that the entire hospital area?

A Yes, it w s.

(Cr-cross)

CAPTAIN MCCARRY: If it please the court, I would like that identified for th record. Is that area---

DEFENSE COUNSEL: I believe I have, in the question, sufficiently identified the area as being enclosed by a fence and marked "Prisoners Hospital" on the map.

PRESIDENT: I believe that will be sufficient identification for the record.

Q This is the condition of the hospital area in the beginning of 1945, is that correct?

A Yes, that is right.

Q Will you point out to the court in which of these buildings--if there are more than one--prisoners, sick prisoners were housed?

A This one. This one. This one. This one. This one. This one. This one. This one. This one. This one. This one. (Indicating.)

DEFENSE COUNSEL: Let the record indicate that the witness has pointed out all buildings within the enclosed fenced area marked "Prisoners Hospital" with the exception of the two buildings, one marked "Hospital Administration" and the other marked "Crematory".

A I have to add something. Only the half of this barrack was with ill people and only a part of this barrack. (Indicating.)

PRESIDENT: Those should be identified for the record, I believe.

DEFENSE COUNSEL: Let the record indicate that the witness has indicated the one building which is closest to the building marked "Hospital Administration".

PRESIDENT: Off the record.

(Off the record discussion.)

DEFENSE COUNSEL: Let the record indicate that the witness has indicated that one other building was only partially used for housing sick people in addition to the other 8 buildings which were used in totality for housing sick prisoners.

(Cr-cross)

pld-15-8

Q Now, Doctor, I would like to point out to you these other barracks buildings which are outside of the prisoners hospital area and which run around the perimeter of the camp starting here (Indicating) at the northwest and running along the West side and then down along the complete south side with the exception of the buildings which are marked as being part of the administration, Supply, Warehouse, Laundry Buildings, etc. I refer now to these buildings that are blue on the map. Were those the barracks where the prisoners lived?

A This barrack was not used for the inmates. (Indicating.)

DEFENSE COUNSEL: Let the record indicate that the witness has pointed to one of the barracks in the Northeast corner of the map.

A There were people who weren't ill or so ill and they were put in the hospital, but they stayed there during the day.

Q Now, Doctor, can you tell us how the size of one of these barracks within the hospital area compared to the size of the barracks in which the prisoners lived? Were they the same size or were they very different in size?

A They were approximately the same size.

I should like to you, Doctor, that there are a total of approximately 44 buildings indicated on the map in blue colors which includes the barracks where the prisoners lived and those barracks in which the hospital patients were kept, so if your identifications are correct that would mean that out of 44 buildings in total, approximately eight were used for the hospital, is that correct?

A If it is true there are 44 barracks, I don't know exactly--that is right that eight of them barracks were used as a hospital.

Q Now, Doctor, you have testified that it became necessary for you on many occasions to refuse admittance to prisoners that were ill because of lack of space, have you not?

A Yes, I did.

Do you know whether or not it was not the camp regulation that if prisoners who pleaded sickness were not admitted to the hospital by the camp physicians that they then would of necessity be eligible for work. Do you know whether such a regulation existed?

A Yes, I do.

And do you know from whence that order originated? Let me put the question to you slightly differently. Was it a local camp order or was it part of the overall project which was prescribed from Berlin or higher headquarters?

A Certainly it was orders of Berlin but the camp leader could handle it the way he wanted to.

Q Did Dr. Kahr ever protest to his Berlin headquarters about the existence of this order to your knowledge?

A I know nothing about it.

Q Who was the SS Medical Officer of the camp during your stay there?

A In the beginning it was Dr. Plaza.

Q Until approximately what date, doctor?

A It was from August, 1943. I haven't seen him after November, 1943.

Q And at that time who became the medical officer? The SS medical officer?

A At this time there was no medical officer.

Q There were just prisoner doctors, is that correct?

A That is right.

Q And on what date did another or a new SS medical officer arrive at the camp?

A I do not remember the exact date but it must be about February, 1944.

Q And what was his name, do you recall?

A Kahr. K A H R.

Q And for what period, so far as you know, did Dr. Kahr serve as SS medical officer at Dora?

A That must be til the end of '44 or the beginning of '45.

Q I believe you have testified that Dr. Kahr made some attempts to improve medical conditions at Dora, is that correct?

A That is right.

A That is right.

Q Do you know why he did not succeed?

A No, I do not know.

Q But he did not succeed, did he?

A Only he got in the hospital a bit more food.

Q Do you know who ordered the tubercular transports to Gauda and Bergen-Belzen?

A I don't know.

Q Who was the SS medical officer in the camp at that time?

A I think two of them during the period that Dr. Kahr was there.

Q Do you mean that at that particular period there were two SS medical officers there?

A No, there were two transports you know.

Q And to the best of your recollection that was at the time Dr. Kahr was there

A Yes.

Q Did he present the ordering of these tubercular people to a transport to which they were destined to die presumably?

A I don't know anything about it.

Q Who selected the patients who were to go on these transports?

A The prisoner's doctor.

Q Did you assist in selecting some of these patients, doctor?

A I did.

And what was your criteria of selecting [illegible] cases, whether those cases were [illegible] transports and which were not to [illegible]?

They had told me that the sicker transports [illegible] but we have not believed in any criterion and so take those people who were so badly ill [illegible] to recover.

Q So to the best of your ability you selected only hopeless cases to go on those two trains, is that correct?

A There were not only hopeless cases; there remained still 150 or 200 who were less sick than the other people.

And those 150 or 200, by what criterion were they selected, Doctor?

A Only that they were very ill.

To the best of your knowledge, Doctor, do you recall whether the camp at Bergen-Belsen had been designated as a convalescent camp by Berlin?

A I do not believe it was a camp for recovering.

My question, Doctor, was, to the best of your recollection if you knew that it had been so designated by Berlin?

A We never knew anything exactly.

Now, Doctor, you have testified that the incidence of tuberculosis was very high at the camp, have you noticed,

A Yes, I did.

[illegible]

Q In your medical studies I presume you have read many reports and statistics on the incidence of tuberculosis, have you not?

A No, I didn't especially.

Q Do you know whether or not the incidence of tuberculosis in the mining industries is higher than in normal civilian occupations?

A No, the level is not higher than in other industries. It depends on the conditions that are there. You can't say it in general.

Q I am speaking of the mining industry as a whole, doctor, is it a matter of medical knowledge that the rate is higher in mining industries than in normal civilian occupations?

A Certainly not.

Q It is a fact, however, Doctor, is it not, that the lack of ultra violet rays is a very definite factor in preventing tuberculosis?

PRESIDENT: I don't believe the court understands your question.

DEFENSE COUNSEL: I will reword the question.

CAPTAIN MCGARRY: If the court please, I object to this line of questioning. If the defense counsel wants to make the witness his own witness for medical testimony he should call him at the time he brings out the defense.

DEFENSE COUNSEL: If the court please, the prosecution has qualified the witness as an expert and I believe the defense is entitled to examine him as being an expert.

PRESIDENT: The objection is overruled.

QUESTION BY DEFENSE COUNSEL:

Q My question is this, Doctor: Is the lack of ultra violet ray one of the factors in producing tuberculosis?

A Yes, it is, but it is not at all important.

Q And is it not a fact, Doctor, that tuberculosis very often follows from silicosis?

A It has nothing to do with silicosis. It comes never after silicosis. It has nothing to do with it.

Q You have testified that one of the principal illnesses from which these prisoners suffered was caused by inflammations due to the large amount of dust and water that was in the air, did you not?

A Yes, I did.

Q And did these symptoms which you observed indicate to you the clinical picture of silicosis?

A Never.

Q Have you read the reports, Doctor, of the Royal Medical Association in England with regard to the very frequent error made by mining doctors between silicosis and tuberculosis?

A I haven't read it, but I do know it.

Q And isn't it a fact that it is extremely difficult without the assistance of laboratory tests to determine from the clinical picture whether a man is suffering from silicosis or tuberculosis?

A No, it is in this case very easy to see whether it was tuberculosis or not, and I can add that we had later on a

laboratory where we could compound our diagnostics.

Q Can you give the court the approximate date when these laboratory facilities became available to you?

A I think it was in the summer, '44.

PRESS COUNSEL: Does the court wish to recess at this time?

PRESIDENT: Yes. The court will recess until 1330 hours.

(Whereupon the court at 1155 hours recessed until 1330 hours.)

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AFTERNOON SESSION

(Whereupon the court reconvened at 1330 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate all members of the court are present; the prosecution and defense are represented by counsel, including German counsel for the defense; all of the accused are present; the reporter and interpreter are present.

At the end of the last session the witness Groeneveld was under cross examination.

PRESIDENT: If there are any persons in the courtroom who are to be witnesses in this case, they will leave.

The witness is reminded he is still under affirmation.

HESSEL LOUW GROENEVELD, called as a witness by the prosecution, resumed the stand and being reminded that he was still under affirmation, continued to testify as follows:

(Whereupon the proceedings were translated into the German language.)

CROSS EXAMINATION (continued)

QUESTIONS BY DEFENSE COUNSEL (continued):

Q Doctor, you will recall that during the last session of the court you were discussing, among other things, the topic of the medical facilities and the hospital buildings and so on that were located at Dora.

A Yes.

Q Now, there is one point of interest that I would like to get clear. Can you tell the court how many prisoner doctors there were at Dora besides yourself?

A In the beginning I was allowed as a doctor. Sometimes afterwards came several other doctors from Buchenwald, and in the last time -- I speak of '45 -- there were 40 doctors in Dora.

Q That was 40 prisoner doctors, you mean?

A Yes.

Q And in addition to that the regularly assigned SS doctor who was in charge of the medical facilities at Dora, is that right?

A Yes.

Q Isn't it a fact, Doctor, that at one period a large number of prisoners came in from transports from other camps such as Auschwitz and that these prisoners were in very poor physical condition?

A Yes, it was.

Q And these prisoners that came in these transports from other camps -- did they overtax your medical facilities at Dora?

A Yes, they did.

Q Do you know whether Dr. Kahr or his predecessor had any control over the incoming transports? By that I mean, could he refuse to accept them or did he have any say in the matter?

A No, he couldn't, surely not.

Q Do you know whether the camp administration had any control over accepting these prisoners who came from other camps or was that prescribed by some higher headquarters in Berlin?

A I don't know. I know nothing about it.

Q Did Dr. Kahr ever complain, to your knowledge, to the camp commander or to any of the responsible officers in the camp that these incoming transports overtaxed his facilities?

A That I don't know.

Q And it is true, is it not, that many of these deaths from exhaustion and from other physical reasons can be ascribed to the poor physical condition of these numerous prisoners who came in from these other camps; is that so?

A Yes, but only in the last months of our remaining in the camp.

Q Well, I am referring to the period following the arrival of these transports. The arrival of these transports materially raised the death

rate at Dora, did they not?

A Yes, it did.

Q I would like to recall for you, Dr. Groeneveld, the testimony you gave with regard to certain hangings which you saw performed. You will recall that you testified that the accused Kilian and Wiener were present at these hangings and acted as hangmen?

A Yes, I did.

Q Now, will you tell the court, if you know, whether these hangings were something that Wiener and Kilian performed on their own initiative, or were they merely acting as an instrument for the administration -- that is, executioners for the administration in the hangings?

A I can't say that exactly. I can say only that I know a man, an inmate, who was put in the bunker because he didn't want to hang inmate people. Therefore, I think that Wiener and Kilian had done it by themselves.

Q You mean by that that they had been requested to do it by the administration and consented to do it; is that what you mean?

A That is what I mean.

Q And had they refused they presumably would have received the same punishment as this other prisoner whom you knew and told about, is that right?

A Probably, yes.

Q Do you know what became of this prisoner who was put into the bunker for refusing to perform these hangings?

A Yes, I know. After 7 days he was released.

Q Now, do you know, Doctor, whether these hangings were performed pursuant to an order of some court?

A I don't know anything about it.

Q Were you actually present at the hangings?

A I was not forced to be there, but I have seen it from the hospital

When you came out of the hospital you could see it, and I have seen it several times that they were there to hang.

Q Would you indicate for the court on that map which is the camp approximately the location where these hangings took place?

A In the first time the people were hanging here at this place.

DEFENSE COUNSEL: Let the record indicate that the witness is pointing to the northern part of the lower roll call ground.

A Later there were hangings here.

DEFENSE COUNSEL: Let the record indicate that the witness is now indicating the southeast corner of the upper roll call ground on Prosecution's Exhibit P-22.

Q And this hospital building in which you were, Doctor, from which you saw these hangings was where, please?

A It was higher, you know. It was approximately there.

DEFENSE COUNSEL: The witness has indicated a point on Prosecution's Exhibit P-22 just south of the word "Entrance" written thereon.

Q Doctor, the building to which you refer is not shown on the map, is that it?

A Which building do you mean?

Q The building in which you were and from which you saw these executions.

A No, I was not in the building, but I got out of the entrance here and I saw it from here.

Q You saw it from a point then -- from an elevation then; is that correct?

A Yes, that's right.

Q And can you tell us the approximate distance from that elevation to the two sites where the hangings took place?

A It was 200 meters -- 150 meters.

Q And from that distance you recognized the two accused, Wiener and Willian, is that right?

A I did.

Q And did you recognize any of the other SS personnel who were present at these hangings?

Let me ask that question in another way. Were there any other SS men present?

A Yes, there were.

Q And were there other prisoners witnessing these hangings?

A There were many prisoners present there.

Q Was it more or less a public execution?

A It was.

Q Could you determine from your point of observation, Doctor, whether any orders or sentences were read prior to the executions' taking place?

A I don't think so.

Q Do you recall whether any members of the Gestapo were present at the hangings?

A I don't know the men of the Gestapo. I can't say.

Q You will recall your testimony with regard to the accused Brauny to the effect that on certain occasions he forced sick people who were in the hospital to go to work. Do you recall that?

A Yes, I did.

Q Now, this, as I understand it, was in the first part of your service at Dora, was it not?

A Yes, it was.

Q And that was the period, was it not, when every effort was being made to speed the construction of barracks and tunnels and try to get the prisoners to come out of the tunnels and sleep in these barracks, is that right?

(CROSS FIELD - resume)

A I can only say that it was in the first four months.

Q Can you tell the court, if you know, whether during these first four months there was a very definite pressure to speed the construction of barracks for the prisoners?

A No, I can't say that.

Q You testified, however, that the accused Brauny did put pressure on all the prisoners to work and to hurry?

A That's right.

Q And on one occasion he came into the tunnels where patients were waiting to come into your dispensary and told them to get back to work, is that right?

A That's right.

Q So, in other words, there was great pressure on to work, was there not?

A There was a great pressure but not a bigger pressure than afterwards.

Q Now, do you know, Doctor, whether this pressure to get the work done was originated with Brauny or whether he received orders from someone superior to him?

A I don't know anything about it.

Q At the time that these facts took place -- these events took place, rather, was there an officer in the camp superior to Brauny?

A Yes, there was Poerschner.

Q And, to the best of your knowledge, was Brauny responsible directly to Poerschner?

A I think so, yes, but in many things in the camp he was responsible, then Poerschner wasn't many times there but Brauny was almost always there.

Q Now, you will recall your testimony with regard to this incident in which Brauny, Jacobi, and Koenig escorted some Italian prisoners of war

who were shot. Do you recall that?

A Yes, I do.

Q Where did this take place?

A Could I indicate on the map?

Q If you will, please.

A Here.

DEFENSE COUNSEL: Let the record indicate that the witness has pointed to a spot approximately in the center of the area surrounding the upper roll call ground.

A At this time the other barracks were not yet built.

DEFENSE COUNSEL: Did the court hear that?

PRESIDENT: No.

A I have to add that at this time the other barracks were not yet built.

Q Now, that area at that time about which you are testifying, Doctor -- was that just open field there?

A Yes.

Q And is that spot that you pointed to where the shootings actually took place or is that simply where you saw the prisoners being escorted?

A I was in this barrack.

DEFENSE COUNSEL: Let the record indicate that the witness has indicated one of the two buildings in the square surrounding the upper roll call ground.

A In this time this barrack was the hospital barrack, and I have seen the Italians work here and here, from the window here.

DEFENSE COUNSEL: Let the record indicate that the witness has indicated a route passing along the northern part of the building which has been previously identified for the record as being the building in which he was located.

Q Proceed.

A And I saw them accompanied by Jacobi, Koenig, and ---

PRESIDENT: Would you mind speaking a little bit louder?

A I saw these Italian prisoners accompanied by Braunv, by Jacobi, and Koenig, among others, and - don't know them.

Q Now, where did the shooting actually take place, do you know, Doctor?

A I don't know that.

Q Was that entirely out of your sight?

A It was out of my sight.

Q It could not have been then, or this open field, could it?

A When we looked out of the window there was a shouting of -- away from the window -- from our capo; he was afraid that the SS should see him; and then I went away from the window and I haven't seen anything furthermore.

Q And the only thing that you know, then, further about these shootings is that a few moments later you heard shots, is that it?

A Yes, that's right.

Q Thank you very much, Doctor. Now, were Braunv, Koenig, and Jacobi the only three of men accompanying those prisoners?

A No, there were others, but I don't know them.

Q So you do not know, then, as a practical matter, whether it was the others or these three who did the shooting, if any of them did the shooting?

A That's right.

Q Do you know whether this shooting was an informal execution?

A What do you mean by that?

Q I mean by that, was it simply a shooting that might have occurred because the prisoners tried to escape or were they taken out to be executed by a firing squad -- if you know?

A They have told me that the Italians have refused to work.

Q Doctor, you have testified as to the transport in which you participated in the evacuation transport, do you recall that?

A Yes, I do.

Q You testified that on one occasion you saw 26 people shot?

A No, that is not right.

Q Will you please clarify them--I must have misunderstood your testimony--what was your testimony in regard to the 26 people?

A I know that 26 people are shot, but I haven't seen it myself.

Q You do not know them who shot them?

A No, I don't know.

Q Now, there were another 18 people who were shot when they were unloaded from the wagons, do you recall that?

A Yes, I do.

Q Did you see those people shot?

A Some of them I have seen myself.

Q And, Doctor, did any of the accused--were any of the accused present whom you have identified or any of the accused whom you have not identified do the shooting?

A No, I can't say that. I have only said that Moser is responsible for it as a transport leader.

Q Was Moser present at either of these two shootings to your knowledge, do you know?

A Yes, he was.

Q At both or at just one?

A At all the shootings he was there. He did assist at all the shootings.

Q By "assist", do you mean that he actually did some of the shooting himself?

A No, No. He was there at the same place.

Q He was present at all of these shootings, is that correct?

A He was.

Q You were not present at the shooting of the 26 people, is that right?

A Yes, that is right.

Q How can you say positively then that Hoeser was there then?

A You have confused it. I have said I have heard that these 26 people are shot, but I meant that 18 people were shot off the road there. Hoeser was at the same place, and I saw it myself, but not these 26 people.

Q So you do not know whether he was present at the shooting of the 26 people, is that right?

A I don't know it exactly.

Q Did you testify, Doctor, that by orders of Hoeser a large number of sick people were left behind at Osterode?

A Yes, I did.

Q Doctor, how can you explain the fact that he did not have those people shot, too?

A I can't explain it, only I know that the lieutenant called Sell who stayed with these people afterward had given the order to shoot them.

Q Now, you saw, Doctor, a large number of bodies in this crematorium, did you not?

A Yes, I did.

Q Were any of the accused whom you have identified responsible for this large number of bodies that you saw in the crematorium?

A I can't say that any of them were personally responsible for it.

Q Doctor, you have testified that in one period during your service as a prisoner physician at Dora the medical facilities were very inadequate in that there were approximately only one male nurse per 50 hospital beds. Do you recall that?

A Yes, I do.

Q Do you know, Doctor, that it is a fact that in the best civilian hospitals in the United States during the war there was only one nurse per 40 patients, and that was considered to be good?

A I didn't know it.

Q Doctor, you also testified that Doctor Kahr prepared a report, or signed a report which you prepared--I believe it was your testimony--on the various autopsies which you performed, and through which you determined that a large number of these bodies had been killed through beatings. Do you recall that?

A Yes.

Q Doctor, now did you determine that these individuals had died from beatings. Will you explain it to the court?

A I could see by the autopsies in which way the kidneys and the liver was bruised and drawn up.

Q Now, I presume there were also concussions and abrasions on the bodies, is that correct?

A Yes, but it was not so important.

Q You have also testified, Doctor, that the working conditions and the excavations were such that a large number of accidents occurred, did you not?

A Yes, I did.

Q Now, I would like to put to you a hypothetical question. Assume that a prisoner is working in the blasting detail in the tunnel, and that he has an accident, the explosive detonates a little too soon perhaps. And assuming further that this produces an explosion which throws large boulders or rocks and mangles his body. Assume further that this prisoner dies as a result of this accident, and he is then taken to you for an autopsy. Do you believe that it would be possible in every case to distinguish injuries received under these conditions from injuries received by beatings?

A Perhaps I couldn't see it in all cases, but in 90 percent of the cases you can see it very well.

Q But there is certainly a very strong possiblity, is there not that some of these bodies which you diagnosed as the cause of death having been beatings may have been accidental, isn't that so?

A I think the possibilities are very small.

Q But it does exist, does it not, Doctor?

A It does exist.

Q Now, this report about which Dr. Kahr commented that he didn't want any beatings to take place in his camp, I believe you testified that you don't know to whom it was addressed, is that correct?

A I don't know.

Q To your knowledge, did it produce any results?

A No, I know only that the only result was that he went to another camp.

Q By that you mean that Dr. Kahr was transferred to another camp?

A Yes.

Q And in your opinion, Doctor, was this transfer a punishment for his having objected to conditions in the camp?

A Yes, it was.

Q And in your opinion, Doctor, would a similar punishment be inflicted upon any other SS officer who was subordinate in the camp who had objected to conditions there?

A Yes, that is so. That is my opinion.

Q You have testified, Doctor, that the facilities for toilets, for example, in the hospital wards were very poor. Couldn't Doctor Kahr, who was an SS officer do something about getting more beds and more toilet facilities for his patients?

A I do know that he had tried to do it and with some results.

Q But apparently from your description he did not succeed in putting the conditions to right, did he?

A That is not quite right. When he came into camp, the conditions were very, very bad, and later it was very bad, but not so bad as before.

Q You mean that before Dr. Kuhr came conditions were very, very bad, but after he arrived, they were very bad, is that correct?

A Yes, that is right.

Q Doctor, there is an interesting paradox that develops from your testimony which I would like you to explain for the benefit of the court. It seems on the one hand the administration of the camp and the higher authorities that controlled this project had one thought in mind only, and that was to work these prisoners to death; on the other hand, it is shown as a picture of the same administration providing a very substantial area of the camp as a hospital, but tower: the and providing as many as 40 prisoner doctors and nurses and calling you in on several occasions to alleviate the sufferings of the people who had been beaten. Doctor, can you reconcile for the court this seeming brutality on the one hand and this assiduous concern for the welfare of the prisoners on the other?

A I think that it was the interest of the camp leader that people should work, but they had so many people, so many prisoners in Germany that they didn't care to save some thousands of prisoners, to let them--but, on the other side, there were so many prisoners in Germany that it didn't make any difference to them whether two or three thousand of them died.

Q Then why, Doctor, did they bother to give them any medical facilities at all. Why didn't they simply let them die?

A I can't explain it. I think it is but a show.

Q But surely, Doctor, meager as our facilities were, you and these 39 prisoner doctors did alleviate the suffering and misery of those prisoners, didn't you?

A Yes.

Q And even with the poor facilities that were provided to you, you did more than just put on a show, did you not?

A But we did not put on a show, but the Germans—

Q But they provided you with the opportunity to do it, did they not, limited though it was?

A More or less, yes.

Q Doctor, this phlegmon that you testified about, which a number of prisoners suffered from, is that an acute disease, or is that rather less chronic?

A It is acute, but in the beginning it is acute, but it can get chronic.

Q And is it necessary for a patient who has entered the chronic stage of the disease to be hospitalized all the time?

A Yes, it is.

Q And I believe you testified that a very large number of prisoners suffered from it, did you not—I forget your percentages—I believe—please correct me if I am in error—I believe you said 60 or 70 percent?

A Yes, I did.

Q Is a patient who has this phlegmon and who is not admitted to the hospital in danger of immediate death if he is not admitted immediately?

A He is not in immediate danger, but if it is let along too long a time, immediate danger may be present. And is the situation more or less the same for edema?

A Edema is more chronic disease.

Q By that, Doctor, I presume you mean that if a patient suffering from edema is not admitted immediately to the hospital, he is not thereby in danger of immediate death, is that right?

A Yes, that is right.

Q You testified, Doctor, did you not that in some cases your facilities were so crowded and so poor that you had to turn down patients who, as a result of having to go back to work died, did you not?

A That is right.

Q When such a patient reported to you whom you diagnosed as being in great danger if he were not immediately admitted, did you not make an effort to discharge some other patient who perhaps was suffering from phlegmon or edema, or something like that in order to get this patient admitted?

A Yes, we did. We let get out many times people who hadn't recovered to a good extent, people were severely ill.

Q Lester, the witness who was on the stand just prior to you, Mr. Lees, testified that he was suffering with phlegmon and edema, and because of his friendship with you he testified that he was kept in the hospital 265 out of 365 days. Will you explain to the court, please, why he was not discharged and one of these other patients who was in immediate danger of death wasn't admitted in his place?

A Several times he was released. He was put out of the hospital, but after some weeks his water in the legs began again, and I have admitted him once more.

Q Wasn't he as a chronic edema and phlegmon patient occupying a place, a bed, or a location, and occupying the attention of yourself and of other doctors which should have been given to the people suffering from diseases which meant death to them if they were not admitted to the hospital?

A This case of Mr. Lees was a very serious case of edema, and if I had him to be out of the hospital, it probably had caused his death.

Q You mean that in the case of your friend, Mr. Lees, his chronic edema was of such a nature that would cause immediate death if he was not in the hospital? Is that what you mean?

A Perhaps not immediately but after some days or some weeks maybe.

Q And, Doctor, when you distributed the limited number of Vitamin B for the polyneuritis, the Vitamin B-1 for edema, and the Vitamin C for scurvy,

did you determine the priority as to who should get those on the same basis as you determined whether or not your friend, Lewis, was to be admitted in preference to other patients?

A Excuse me, but I don't understand quite well the question.

PRESIDING: Do you wish to have the question read again?

THE WITNESS: Yes.

PRESIDING: Read the question, please, to the witness.

PRESIDING: The reporter will read the last question.

(Thereupon the reporter read the last question.)

DEFENSE COUNSEL: I will restate this question for you, Doctor, if it is not clear to you.

QUESTIONS BY DEFENSE COUNSEL:

Q My question is this, you had very limited facilities in this hospital. You had very limited numbers of these veterans to distribute. Now, apparently the priority on bed space was determined by your friendship to Mr. Lewis. My question to you is whether you used the same criteria in determining the same priority in the use of those medicines, in other words, was your criteria friendship?

A Yes, I had the same criterion.

Q Doctor, you testified as to the caloric content of the diet. It averaged from 800 to 1,000 calories there, did it not? You testified also that you considered in your opinion 300 calories to be a minimum ration for 3,000--I beg your pardon, 3,000 calories to be a minimum caloric ration for workers, is that right?

A Yes, that is right.

Q Do you know it to be a fact, Doctor, that the present worker ration for the civilian population in Germany ranges between 1,000 and 1,250 calories?

A I have heard of it.

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Q And do you know, Doctor, what the average caloric content of the diet of the German civilian population was during this period about which you have testified?

A No, I don't know.

Q Can you point, Doctor, to any of these accused as individually responsible for the low caloric diet which the prisoners received?

A I can only accuse Andrae who is responsible that we did not get our packages.

Q What I had in mind with my question was I presume this caloric diet was prescribed by the camp administration in some way, and I want to know whether you know if any of these accused was individually responsible for prescribing such a low caloric diet?

A No, I can't say that anyone is responsible.

Q Do you recall, Doctor, towards the first part of 1945 a transport of tubercular patients which was sent out from your hospital at Dora to the Boelke Kaserne?

A I don't know.

Q Doctor, you testified that when you entered the bunker you were called to the bunker on one occasion to minister to people who had been beaten, you saw Walenta and Willim there?

A Yes, I did.

Q On that occasion, Doctor, did you have occasion to see Walenta and Willam do any of this beating that you were speaking of?

A No, I didn't.

DEFENSE COUNSEL: I have no further questions. If the court please, perhaps the German counsel will have some.

CROSS EXAMINATION ON BEHALF OF THE ACCUSED MAISCHEIN

QUESTIONS BY DR. AUERBACH

Q Doctor, you were speaking about the clothing supply room. Do you mean by that the clothing supply of the protective custody camp?

A Yes.

Q The clothing supply room where the clothes of the prisoners were being kept; is that correct?

A That is correct.

Q How many times during the time you were in Dora did you get into this clothing supply room?

A Some times.

Q Did you ever see there, whenever you were there, the accused Maischein?

A I saw him there some times.

Q What did he do there?

A I don't know.

Q What was his rank?

A I don't know.

Q You were in the concentration camp from 1942 until 1945, is that correct?

A No, that is not correct.

Q Didn't you say that you came to Buchenwald on May, 1942?

A No.

Q And during the time, beginning of May 1943, you frequently had to aid SS personnel, is that correct?

A Quite a few times.

Q Did you get to know the differences between SS officers and SS N.C.O.s?

A No, never.

Q Was Maischein an officer or was he not an officer?

A I don't know.

Q Who was in charge of the prisoners' clothing supply store, of the protective custody camp?

A You mean an inmate?

Q No. I withdraw the question. Was the clothing supply store in charge of any member of the SS?

A I don't think so.

Q But you don't know?

A Never anything to do with it; I don't know. They didn't trust me at all.

Q How can you say then, that Maischein was working in the clothing supply room?

A I haven't said that he was working there; I only said that I have seen him there.

Q So what his duties were in Dora you don't know; is that correct?

A That is right.

DR. AHLEMEYER: Other questions during cross examination in favor of the accused Simon. Doctor, during the time you were in Buchenwald, from May 1943 until August 1943, as a prisoner, did you work there as a doctor?

A In the beginning I was not working there as a doctor but later on I have to do the autopsies.

Q In what capacity did you work at the beginning of your stay in Buchenwald?

PROSECUTION: I pray the courts' judgment. Even on cross examination I fail to see the relevancy of this, what he did in Buchenwald.

DR. AHLEMANN: During my next few questions you will find out the reason for this question. This is in connection with a labor allocation.

PRESIDENT: The objection of the prosecution is overruled.

QUESTIONS BY DR. AHLEMANN:

Q Will you please answer my question, Doctor? In what capacity did you work?

A As a common worker in construction work.

Q So you were working in the construction detail; is that correct?

A That is right.

Q And who ordered you to do this kind of work?

A The lager fuehrer from Buchenwald.

Q Who was it?

A I don't know.

Q What did labor allocation have anything to do with that?

A I don't know.

Q During the time in Buchenwald did you hear anything of a labor allocation leader by name of Capt. Schwarz?

A Never heard of him.

Q When you came to Dora was Dora an individual camp or was it an outcamp of Buchenwald?

A An outcamp of Buchenwald.

Q When did you get to see the accused Simon the first time?

A I think it was in the beginning of 1944.

Q At what occasion?

A No special occasion. You saw all these SS men walking around

but not a special occasion.

Q Isn't it a fact that you, yourself, treated the accused Simon on account of a leg injury of meniscus on the left knee?

A I have treated Simon but I don't know what his illness was. I don't know.

Q Don't you recall that Simon, after he had been treated by you, was forced to use a cane for walking for quite some time thereafter?

A It was possible, but I don't remember it.

Q Isn't it a fact that Simon was an SS member with the rank of a N.C.O.?

A I think he was sergeant, or--I don't know just exactly.

Q Where was his office?

A I don't know where his office was.

Q What were the duties of Simon as labor allocation leader?

A I don't know what his duties were.

Q Did you, during your stay in Dora, know an SS 2nd Lt. Kuna?

A I don't know him.

Q You mentioned before the name of an SS member by the name of Sell; is that correct?

A That is right.

Q Is it correct that this man by name of Sell was an SS 1st lieutenant?

A I do not know his rank.

Q Is it not a fact that at first the SS 2nd Lt. Kuna and afterwards the SS 1st Lt. Sell were labor allocation leaders in Dora?

A I don't know.

President; Court will recess for fifteen minutes.

(Whereupon the court recessed at 1444 hours.)

(The court reconvened at 1504 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: Let the record indicate that all members of the court are present, the prosecution and defense are represented by counsel, the accused are all present, the reporter and interpreter are present, the witness Groeneveld was under cross examination at the end of the last session.

DR. HERSEL LOUWS GROENEVELD, called as a witness by the prosecution, having been previously affirmed, resumed the stand and testified further under cross examination as follows:

PRESIDENT: The witness is reminded he is still under affirmation.

CROSS EXAMINATION (continued)

QUESTIONS BY DR. AUERBACH (continued)

Q Doctor, you said at the end, in reply to my question, that you did not know anything about 1st Lt. Kunz and 2nd Lt. Sell being the labor allocation leaders in Lora?

A That is right.

Q And you said, several questions ahead of that, that you did not know anything about the duties of a labor allocation leader; is that correct?

A Right.

Q How, then, do you arrive at your statement that you hold Simon responsible for the work tempo that the prisoners were subjected to?

A I don't know, exactly, his duties in charge but people have told me always that he was the man that was responsible for it.

Q When you, therefore, under direct examination stated that you held Simon directly responsible for the work tempo you made your statement purely from those statements that you heard from others?

A It was common knowledge that Simon was the man who was responsible.

Q Did you, during the time that you were in Lora, hear about camp rumors

A Yes, I did.

Q Isn't it a fact that you often had to determine that such camp rumors were incorrect?

A Sometimes they were incorrect, yes.

DR. AHEIMER: No further questions.

A But,---

DR. RENNER: Questions on cross examination for the accused Andrae.

PRESIDENT: Just a minute please. Doctor, had you completed your answer to the last question?

DR. GROENEVELD: No, I hadn't.

PRESIDENT: Will you complete it now?

DR. GROENEVELD: I wanted to say that many of these rumors were true.

PRESIDENT: Now you may proceed, Dr. Renner.

QUESTIONS BY DR. RENNER

Q I am going to place a hypothetical question now. When you heard in the camp that a certain man was responsible for something and this man was a noncommissioned officer, and if you heard later that a man received the same position who was an officer, who therefore was a superior to the noncommissioned officer, would you then consider the rumor that the N.C.O was the one responsible later as correct?

A To give an answer on this question you have to know all the kinds of conditions. I can't answer directly.

Q And to the question of the labor allocation in Dora, you don't know what the conditions were?

A I don't know all the conditions.

DR. RENNER: That is all.

)Groeneveld - cross)

DOCTOR KENNEDY: Cross examinati for the accused Andrae.

QUESTIONS BY DOCTOR KENNEDY:

Q Did yo personally know the accused Andrae in Lora?

A I didn't.

Q You only knew him from hearsay?

A I did know him by face.

Q Did you personally see Andrae working in the Post Office?

A I was never in the Post Office.

Q Do you know the channels, the route through which the packages went from the Post Office to the individual prisoners?

A I don't know it exactly.

Q You stated that in the packages were lists which stated the content of the packages and that the contents of the packages did not coincide with the lists?

A Yes.

Q Do you believe that the SS would have confiscated the contents and left the lists inside of these packages?

A Yes, I do.

Q On what do you base this assumption?

A That everybody knew that the SS took out of the packages many things.

Q Did you personally see Andrae take anything out of any package?

A I said already that I was never in the Post Office.

Q I ask yo to answer my question. Did you see that Andrae took anything out of a package?

A I never saw.

DEFENSE COUNSEL: No further questions.

REDIRECT EXAMINATION

QUESTIONS BY CAPTAIN MCGARRY:

Q Doctor Groeneveld on cross examination in response to a question by the defense counsel you said that the facilities in the hospital were overtaxed after the transports came from Auschwitz?

A That is right.

Q Now, Doctor, do you know if the facilities of the hospital were overtaxed before these transports came from Auschwitz?

A Yes, I do.

Q These people who came from Auschwitz and these other camps to Dora on transports, do you know if these people were put to work?

A Very few of these people were able to work.

Q Were any of them put to work?

A I don't know.

Q Now, Doctor, before, in response to a question of the defense counsel--the question was, I believe, in reference to this map--did those 44 barracks include the 8 hospital barracks plus the half portions of two other barracks? Doctor I would like you to come up and look at this map again and tell me how many barracks there were at Dora for the inmates. I would like you to make a count yourself.

CAPTAIN MCGARRY: Let the record show that the witness is pointing to Exhibit P-22.

A You want that I count the barracks here on the map?

Q Yes. I feel that there was some mistake on the number given to you before.

A 45.

Q Now, Doctor, did inmates live in these 45 barracks?

A They did.

Q In other words these 8 hospital barracks which the hospital used half of each were barracks in addition to these 45? They were not included in that number is that not right?

A That's right.

Q As I recall you also testified that there were 80 beds in each hospital barrack. Now, how many patients were there in these hospital barracks?

A It was different. In some barracks were 80 beds, there were between 170 and 200 people. I had also a barrack with 120 beds where lived between 400 and 500 TB people.

Q Doctor in these barracks where the inmates lived, how many people occupied each of those barracks?

A It was also different. I thing during 1944 there were living almost 200 people in a barrack. 200 to 250, but later in '45 ther were living 300 and 400 in one barrack. Then we had one moment I am sure we had 29 thousand people in the camp.

Q When was this Doctor?

A That was in '45 when the transports from Auschwitz and Gross Rosen came in.

Q Did these 29 thousand people occupy those barracks which you have pointed out?

A Yes, they did.

Q Do you know how many people occupied these barracks about the end of 1944 or shortly before the transports arrived?

A About 15 thousand.

Q Doctor, do you know if the administration at Camp Dora made any efforts to notify the families of dead inmates?

A I believe that in the beginning they did, but later on they didn't. Surely not.

Q What time was later on when you believe they did not notify them?

A At the end of '44.

Q Doctor, You testified before about seven Italian prisoners of war whom you believe refused to obey an order and were taken out to be executed?

A That is right.

Q Do you know what the order was that they refused to obey?

A I do not know this order.

Q Doctor did you ever hear of the quarry at Dora?

A No, I didn't.

Q On cross examination you were asked some questions about the type work done by the inmates on the V-1 and V-2 bombs. I believe you said that you thought--in response to the question by the defense counsel--you thought it was light work?

A No, I didn't. It must be a mistake.

Q What was your testimony Doctor?

A The defense counsel said to me, "Do you know that V-1 and V-2 are made of very light stuff?" and then I have said, "Yes, I know." But that doesn't mean that the work on these V-1 and V-2 was very light.

Q These autopsies that you performed that showed torn kidneys and liver, were the bodies attended by any other evidences that might lead you to believe that they were beatings and not caused by explosions?

A Yes there were, but always the most important cause of deaths when you are beaten you are kicked in the back is that your kidneys are bruised and the liver also.

Q You testified concerning this disease of phlegmon that you would take these very serious cases and the others would be sent back for a time. Now what type disease is phlegmon? By that I mean what usually occurs when you would turn one of these patients away because at that time the disease was not serious enough?

A Phlegmon is beginning always with a very small wound, but it is developing and it is growing bigger and bigger and then fever comes and after sometime you are poisoned by this phlegmon. That means that if you had to let go back people when the phlegmon is small you had the chance that after some days he has grown bigger and more dangerous.

(JM-redirect)

Q Concerning these questions that you were asked about camp rumors, now would you say what you have testified to here which is not of your own knowledge, but which has been what has been told to you in camp Dora by other inmates, would you classify such knowledge as a camp rumor or would you say that it was the knowledge derived from the concentrated experiences of these inmates in Dora and passed down from one to the other?

DEFENSE COUNSEL: If it please the court, I want to interpose and objection to the question on the ground that it would be a pure conclusion on the part of the witness. The witness can testify as to stories of his own knowledge and the source of his information and it is for the court to decide whether that amounts to mere hearsay or whether it is direct evidence or whether it is rumor. It is something which would be pure opinion on his part as to how that could be characterized.

CAPTAIN MCGARRY: If it please the court, I am not asking for the opinion of the witness. I am not saying that such testimony is other than hearsay. I merely want to know if in his experience at Dora this knowledge that he has been told by word of mouth that in his own experience does he classify that as more than mere camp rumors.

PRESIDENT: The objection is sustained. The witness will not answer the question.

QUESTIONS BY CAPTAIN MCGARRY:

Q Doctor, if an inmate received harsh treatment from an inmate or an SS man, would he pass that information down to the other inmates or would he not?

DOCTOR AHRENS: I make an objection here as the witness can never state what another prisoner would do or say. He can only state or testify to what he personally would state or say.

PRESIDENT: Please read the question.

(Thereupon the reporter did as directed.)

(CR-redirect)

PRESIDENT: The objection is sustained.

PROSECUTION: I don't like to be contentious, may it please the court, but that question asks for an answer as a matter of fact. It presupposes that he knows and of course if he doesn't know then that should be developed by cross examination. I ask for a reconsideration.

DEFENSE COUNSEL: If it please the court, far be it from the defense to come to the aid of the prosecution, but if the prosecution would reframe the question so that he would ask whether a particular prisoner did pass this information on why I believe it would overcome any objection on the part of the defense.

PRESIDENT: The court was about to make the same observations as the defense.

CAPTAIN MCGARRY: If it please the court, May I reframe the question?

PRESIDENT: Please do.

QUESTIONS BY CAPTAIN MCGARRY:

Q Has anyone ever come to you and told you that they were beaten by an SS man or another inmate?

A Yes.

Q After you would hear such a story would you pass that information down to another inmate for their protection or advantage?

A When I saw that there was an advantage I did it.

CAPTAIN MCGARRY: I have no further questions.

REDIRECT EXAMINATION

QUESTIONS BY [illegible]:

Q Doctor will you please tell the court whether the hospital had a laundry of its own?

A It had it.

Q At no time during your time there was there a laundry?

(CR-recross)

why they were incapable--yes, by some physical handicap.

DEFENSE COUNSEL: No further questions by the defense.

PROSECUTION: Questions by the court?

EXAMINATION BY THE COURT

QUESTIONS BY MEMBERS OF THE COURT:

Q Calling your attention to the incident where you were called to the hospital to treat an inmate who had been beaten. Did the inmate tell you who had beaten him?

A No, he didn't.

Q Did you afterwards learn in any way who had administered the beating?

A Yes I have heard who has beaten--who was beating.

Q Who was it?

A Among others it was Walenta and Kilian.

Q Do you know how the inmate was beaten?

A I have heard only from the prisoner who was beat. I think you can ask him better himself. It was Doctor Cespiva and he is also a witness here. (Ex-court)

A That is right.

Q Do you recall the two Hollanders who worked for Jacobi in the carpenter shop?

A Yes, I do.

Q Did he ever have occasion to speak to you as to just how they were treated by Jacobi in the carpenter shop?

A Never did.

Q Do you know, Doctor, whether there was standard procedure for the convalescents or those who were just light sick or who had to be taken off duty, that they were assigned to light tasks such as vegetable peeling in the kitchen or mending clothing, etc.?

A Only those people had light work who were incapable by reason of being ill or just by reason of some physical handicap or what was the reason

Q While in Camp Tora did you have occasion to treat very many inmates for dog bites?

A Only two times I have seen this.

Q You stated that you saw Jacobi and Koenig beat prisoners, is that right?

A That is right.

Q How severe was this beating?

A That is hard to say. It was a beating that they fell for instance.

Q Were you required to treat them afterwards?

A Yes, I did.

Q What did they use for beating the prisoners?

A A stick.

Q Do you know whether these prisoners died as a result of thibe beating or not?

A No, I can't say that.

Q Doctor you have testified that the accused Braumy drove sick people away from the dispensary, do you remember that?

A Yes, I do.

Q Did you hear or learn what happened afterward to any of those sick people?

A No, I can't say it.

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6/13/47 m'wal

... Section, on the evacuation transport from Dora did you testify that 107 people had died between Dora and Osterode?

A Ja ptoon. Yes, here.

Q And how long did it take the transport to cover the distance between Dora and Osterode?

A Three days and a half.

Q Is that a distance of about seventy kilometers?

A I don't know it exactly. I went on the train and I don't know how far it was.

[illegible] further questions by the court.

[illegible]: I have no more question on cross examination for the moment, Colonel.

[illegible]

[illegible]:

Q Did the witness perhaps tell you why he was being beaten by the men and, "Alemtan?

A "No, I don't".

[illegible]: No further questions.

[illegible]: The witness may be excused.

[illegible]: The witness is a physician from Brussels or Liege. May he be permanently excused so that he may return home?

[illegible]: Upon the witness' assurance to the court that he would be subject to recall if needed, the defense would interpose no objection to his being excused at this time.

[illegible]: Doctor, is it necessary to recall you for further testimony here or can you return to Vienna?

[illegible]: It is extremely difficult for me, sir.

[illegible]: The prosecution is willing that he be excused. I so move.

DEFENSE COUNSEL: The defense agrees.

PRESIDENT: I do not wish to put the defense under any unfair pressure in this matter.

DEFENSE COUNSEL: In fairness to the witness since we do not contemplate needing him any further it would be unfair under the circumstances to require him to remain here since his business is urgent. If the defense needs him we will institute a new request for him.

PRESIDENT: The witness will be permanently excused.

(Thereupon the witness was excused and withdrew.)

PROSECUTION: The prosecution calls as its next witness, last name Drung; D R U N G; first name Roman; R O M A N.

ROMAN DRUNG, called as a witness by the prosecution, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q What is your full name?

A Roman Drung.

Q Where do you live?

A In Helmstedt.

Q What is your occupation?

A Administrator.

Q What is your age?

A 30 years old.

Q Were you at any time a prisoner in a concentration camp?

A Yes.

Q Which one?

A In Osterwegen, Oranienburg, Sachsenhausen, Neuengamme, Buchenwald, and Nordhausen, Dora.

Q When did you come to Dora?

A I don't remember the exact date, but I believe it was in the late fall of 1943.

Q How long did you stay there?

A Until the end. Until the evacuation.

Q And when was that?

A That was on the 4th of April, 1945. That is when the first transports left. I personally left on the 6th of April.

Q And during all that time were you constantly in Dora or were you for a part of the time in the out camps of Dora?

A I was only in Dora.

Q During the time you were in Dora did you become acquainted with some of the SS and other people who were working at Dora in one form or another?

A Yes.

Q Will you look around the court room and see if you recognize any of those whom you met at Dora and if you do will you point them out one at a time?

A Number 1, Master Sergeant Andrae.

PROSECUTION: Let the record indicate that the witness has recognized the accused, Andrae, wearing placard No. 1.

QUESTIONS BY PROSECUTION:

Q What was his rank and what were his duties?

A I knew him as a Master Sergeant but it could be possible that toward the end he was a First Sergeant. I know that he was active in the Post Office.

PROSECUTION: Ask him what his answer was. I think he said he was "chief" of the Post Office.

INTERPRETER: At the end he was the "chief".

DEFENSE COUNSEL: The ranks, however, were not translated correctly.

INTERPRETER: Oberscharfuehrer. I am sorry. That is incorrect. "I knew him first as a Tech Sergeant. In the end he may have been a Master Sergeant, but he was the chief of the Post Office".

QUESTIONS BY PROSECUTION:

Q Any others?

A Number 2, First Sergeant, Master Sergeant Brauny.

PROSECUTION: Let the record indicate the witness has recognized the accused, Brauny, wearing placard No. 2.

QUESTIONS BY PROSECUTION:

Q What was Brauny's rank and what were his duties?

A Brauny was a First Sergeant, also the first camp leader in Dora. Later on he went on transports and had various outside details.

Q Can you tell the court what those outside camps were?

A I don't know exactly where he was but I knew toward the end he was in Rottleberode and Sardelegen.

Q Did Gardelegen come before Rottleberode or did Rottleberode come before Gardelegen

A The name of the detail was Gardelegen Rottleberode.

Q Was Rottleberode also an out camp of Dora?

A An outside detail.

Q Do you know what Krumpf, Lothar were at Rottleberode?

A Yes, he was the detail leader.

Q Who else do you recognize?

A Number 3 is the Master Sergeant Brinkmann.

PROSECUTION: Let the record show that the witness has recognized the witness, Brinkmann, wearing No. 3.

CROSS EXAMINATION BY PROSECUTION:

Q What was Brinkmann's rank and what were his duties?

A Master Sergeant Brinkmann represented for a time the camp leader in Dora.

Q And after that?

A Then for a time he was the first roll call leader.

Q Where?

A At Dora.

Q And then?

A At the end he went to the outside detail of Ellrich.

In what capacity?

A As camp leader.

Q Is there anyone else you recognize?

A Number 4, SS Corporal Sutrin.

PROSECUTION: Let the record show that the witness had identified the accused, Suhren, wearing Placard No. 4.

Drueg-Direct

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QUESTIONS BY [illegible]:

Q What was Fuehring's rank and what were his duties?

A So far as I can remember Fuehring was an SS Corporal.

Q What were his duties?

A He became famous or it became known that he was active toward the end in the bunker for the security service.

Q Is there anybody else you recognize?

A No. 5 is the ex-First Lieutenant Detmers.

PROSECUTION: Let the record indicate that the witness has recognized the accused, Detmers, as wearing placard No. 5.

QUESTIONS BY PROSECUTION:

Q What were Detmer's duties and where was he stationed?

A Detmers was the adjutant of the SS Major and he was also the Judicial officer. He was the representative of the SS Major Foerschner, the commanding officer.

PRESIDENT: The court will take a recess for fifteen minutes.

(Whereupon the court at 1300 hours recessed until 1315 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: May the record indicate that all the members of the court are present; the prosecution and defense are represented by counsel, including German defense counsel; all the accused are present; the reporter and interpreter are present. During the last session the witness, Drung, was on the stand on direct examination.

PRESIDENT: The witness is reminded that he is still under oath.

ROMAN DRUNG, called as a witness by the prosecution, being reminded that he was still under oath, testified further through an interpreter as follows:

DIRECT EXAMINATION (CONT'D)

QUESTIONS BY PROSECUTION:

Q At the end of the last session, Herr Drung, we were talking about Detmers. Where was his place of duty? At which camp?

A In Dora, within the sphere of the SS.

Q Let's go back to Andrae for a minute. Can you tell the court when he became the chief of the Post Office in Dora and how long he held that position?

A When I came to Dora he was already chief of the Post Office.

Q And how long did he occupy that position?

A Until the end.

Q Do you remember when Braun came to Dora?

A When I came to Dora he also was there already.

Q Do you know when he left Dora to go to Rottleberode?

A I don't remember that exactly. It must have been in the winter of 1944, 1945.

Q When did Brinkmann come to Dora?

A Brinkmann came to Dora in the summer of 1944.

Q When did he go to Ellrich?

A I also don't know this exactly; in my opinion in the late winter, perhaps January, February, 1945.

Q When did you first see Buehring at Dora?

A Before he went into the bunker. I didn't know him.

Q About when was that.

A When the action started in the fall of 1944.

Q When was Detmers on duty in Dora?

A He was adjutant and judicial officer in 1943.

Q Till when?

A I can't state this exactly. Toward the end there was another adjutant there.

Q Can you give the court an estimate of when he left Dora?

A No, that I can't.

Q Do you recognize any others?

A Yes.

Q If necessary, Mr. Drung, you can go up close to the--

A No, I see well. Number 7 is Dr. Schmidt.

Q Who else do you know?

A No, it is not Dr. Schmidt. No, it is not Dr. Schmidt. That is the last adjutant of the SS Major, of the commanding officer.

Q What is his name, if you know?

A Heinrich.

PROSECUTION: Let the record show the witness has recognized the accused, Heinrich, wearing placard No. 7.

QUESTIONS BY PROSECUTION:

Q What was Heinrich's rank and what were his duties?

A He was an officer. If he was an SS First Lieutenant or higher I don't know.

Q And where was his place of duty?

A He was the adjutant and the judicial officer of the commanding officer.

Q At which camp?

A In Dora.

Q Are there any others you recognize?

A No. 8 is the Tech Sergeant Helbig.

PROSECUTION: Let the record show that the witness has recognized Helbig wearing Placard No. 8.

QUESTIONS BY PROSECUTION:

Q What was Helbig's rank and what were his duties?

A Helbig was an SS Tech Sergeant and was in charge of the SS clothing supply and also the prisoner clothing supply store.

Q At what camp?

A In Dora.

Q Is there anyone else you recognize?

A No. 9 is the Master Sergeant Jacobi.

PROSECUTION: Let the record indicate the witness has recognized the accused, Jacobi, wearing Placard No. 9.

QUESTIONS BY PROSECUTION:

Q What was Jacobi's rank and what were his duties?

A He was SS Master Sergeant and toward the end he was in charge of the German Armament Works Work Shop.

DR. AHELMER: (Objection by Dr. Ahelmer in the German language.)

INTERPRETER: I know. You are right. German equipment works.

QUESTIONS BY PROSECUTION:

Q Where was this equipment work shop?

Drung-Direct

A What was inside the camp.

Q Who at Dora was in charge of the carpenter shop?

A Jacobi.

Q Is there anyone else you recognize?

A Number 10 is the former prisoner, Killian.

PROSECUTION: Let the record indicate the witness has recognized the accused Killian wearing Placard No. 10

QUESTIONS BY PROSECUTION:

Did you see that Killian was himself a prisoner?

A Yes.

Q What were Killian's duties?

A He was a bunker orderly.

Q Did he have any other duties?

A Yes, he was the hangman of Dora.

Q Is there anybody else you recognize?

A No. 11 is the Tech Sergeant Koenig.

PROSECUTION: Let the record show the witness has recognized the accused, Koenig, wearing placard No. 11.

Q That was Koenig's rank and what were his duties?

A Koenig was SS Tech Sergeant and at the end was in charge of the motor pool dispatch office.

Q Now, where was that located?

A The motor pool dispatch office was within the sphere of the SS in Dora.

Q Now, you said that Pillan was the hangman. For what camp was he the hangman?

A He performed hangings in Dora but he also went outside.

Q Whom else do you recognize?

A Number 12 is the SS Corporal Welscheim.

PROSECUTION: Let the record indicate the witness has identified the accused Welscheim wearing placard Number 12.

Q What was Welscheim's rank and what were his duties?

A Welscheim was an SS Corporal and toward the end he was acting in the SS dispensary.

Q Where?

A In Dora.

Q Do you know whether or not he was ever on duty at any other camps, outcamps of Dora?

A About the outside camps I don't know anything.

Q Whom else do you recognize?

A Number 13 is the SS First Lieutenant Kaser.

PROSECUTION: Let the record indicate the witness has recognized the accused Kaser as wearing placard number 13.

Q What was Kaser's rank and what were his duties?

A He was an SS First Lieutenant and camp leader.

Q In what camp?

A In Dora.

Q Can you tell the court the duties of a lager fuehrer?

A The camp leader carried the responsibility for the entire camp.

Q Who else do you recognize?

A Number 14 is the former Director General Riekhey.

PROSECUTION: Let the record indicate the witness has identified the accused Riekhey wearing placard Number 14.

Q What was the office and the organization and the duties of the accused Riekhey, so far as you know them?

A Riekley was the Director General in the tunnel. He was an expert for the V-weapons.

Q Do you know what organization he was attached to?

PROSECUTION: I will withdraw the question.

Q Do you know by what organization the tunnels were being constructed and the machinery put in?

DR. AMELUNG: I must object to this question because this question actually contains two questions. If the prosecutor would divide the question into two questions, I have no objection. The first part of the question concerns the constructors of the tunnel and the second part of the question concerns the machinery used for the construction -- the constructor of the machinery.

PRESIDENT: Will the reporter read the question?

PROSECUTION: I will withdraw the question to save the time.

Q Do you know the name of the company of which Riekhey was general manager? The name of the firm, not the name of the man.

A The firm was called in general Zawatzki. The firm was called among ourselves in general Zawatzki.

Q Whom else do you recognize?

A Number 15 is Dr. Schmidt.

PROSECUTION: Let the record indicate that the witness has identified the accused Schmidt wearing Placard Number 15.

(DR NC-Direct)

Q Now, what was the rank of the accused Schmidt and what were his duties?

A I do not know his rank; I only know that he was a physician in the Boelke Kaserne in Nordhausen and that he was in charge of the Gestapo bunker.

Q Where was this Gestapo Bunker?

A It was within the sphere of the Boelke Kaserne in Nordhausen.

Q Whom else do you recognize?

A Number 16, the SS Tech Sergeant Simon.

PROSECUTION: May the record indicate the witness has identified the accused Simon wearing placard Number 16.

Q What was the rank and what were the duties of Simon?

A Simon was SS Tech Sergeant and was in charge of the labor allocation in Dora.

Q Whom else do you recognize?

A Number 17 is the former inmate prisoner Ulbricht.

PROSECUTION: May the record indicate that the witness has identified the accused Ulbricht wearing placard Number 17.

Q Now, where was Ulbricht's place of duty and what were his duties?

A Ulbricht became known as the clerk of the Master Sergeant Braunu in Rottleberode.

Q Anybody else you recognize?

A Number 18 is the former inmate prisoner Walenta.

PROSECUTION: May the record indicate the witness has identified the accused Walenta wearing placard Number 18.

Q Where was Walenta's place of duty and what were his duties?

A Walenta was the capo of the bunker.

Q Where?

A In Dora.

Q What was this bunker?

A The bunker was a store building inside the camp where prisoners were locked up in cells.

Q Why were they locked up?

A Well, if they did something.

Q Anybody else you recognize?

A Number 19 is the former prisoner Wiener.

PROSECUTION: May the record indicate the witness has identified the accused Wiener wearing placard number 1.

Q Now, where was Wiener's place of duty and what were his duties?

A Wiener was at first the camp oldest. Later on he was in the tunnels or, in general, he had to control the work.

Q Now, when you first came to Dora, Herr Drung, what was the first assignment of work you had?

A In the tunnel.

Q Where did you sleep?

A In the tunnel.

Q Where did you eat?

A In the tunnel.

Q I ask you to look at Prosecution's Exhibit No. 23 and see if you can point out to the court the place where you yourself slept.

A Here on the top (indicating) we came from the camp; we came into the tunnel here; walked along here.

PROSECUTION: One minute. Let the record indicate the witness drew as the direction of the march a direction from south to north along the Tunnel B.

Q And after you walked down to the end of Tunnel B, where did you go?

A Down here (indicating), and to here.

PROSECUTION: Let the record indicate the witness points out a path of march east along the tunnel between B-4 and Tunnel 42.

(DR'NG-Direct)

Q And then?

A Then we came here (indicating). Here is where we slept.

PROSECUTION: Let the record show the witness is pointing to Blocks B-1, B-2, B-3, and B-4.

Q Where did you sleep then, Mr. Drong?

A First in this block (indicating).

Q That is B-4

A At that time the designation was different. Later on in this block (indicating).

PROSECUTION: Shown on the map as B-2.

Q Now, you described ---

PROSECUTION: You may return to your seat.

(Whereupon the witness resumed his place on the witness stand.)

Q Now, did you sleep in the tunnel from the very first time of your arrival in Dora?

A Yes, until we came up on top; until the barracks were finished up on the top.

Q When did you first sleep in the tunnel?

A I personally came up on top in the beginning of May 1944.

Q What work did you perform in the tunnel?

A At first I was on the detail TO.

Q What was that?

A We had to transport parts -- that is, the outside parts of the V-weapons.

Q How did you do that?

A We carried them on -- We carried them partly; we drove them on carts.

Q What other kind of work was done in the tunnel?

A Mainly mine work.

Q Tell the court what it consisted of.

A It consisted mainly of drillings. In these drillings there were fuses set in -- explosives set in -- and these were brought to detonation. The tunnel was pushed forward, was built toward the front.

Q Describe the working conditions in the tunnel as you found them.

A I was in many German concentration camps ---

PROSECUTION: Excuse me. Just a minute. This is likely to be a long question. Shall I continue? Or, I can repeat the question tomorrow.

PRESIDENT: The court will recess until 9 o'clock tomorrow morning.

(Whereupon the court recessed at 1650 hours, 13 August 1947, until 0900 hours, 14 August 1947.)

MILITARY GOVERNMENT COURT

CASE REF. [illegible] Volume 8
416 - 478

CASE NO. [illegible]

*SUMMARY
INTERMEDIATE MILITARY COURT
GENERAL

PLACE [illegible]

DATE 14 [illegible] 194[illegible]

WITNESSES

PROSECUTOR [illegible]

DEFENSE COUNSEL [illegible]

INTERPRETERS Willy Ingor
[illegible] Siegfried

REPORTERS [illegible]
Mary T. Williams
[illegible]
Union L. Kemmerer
Mabel [illegible] Holt

ACCUSED [illegible]

ADDRESS _____ SEX _____ AGE _____

	FIRST CHARGE	SECOND CHARGE
PLEAS		
FINDINGS		
PREVIOUS CONVICTIONS		

IMPRISONMENT (TERM _____
(BEGINNING _____ 194_____

SENTENCE

FINE AMOUNT _____
TO BE PAID BEFORE _____ 194_____
FURTHER TERM OF _____ IMPRISONMENT

CHARGE SHEET AND RECORD OF TESTIMONY ARE ANNEXED HERETO.

_____
SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY _____

_____

_____
SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

RECORD OF TESTIMONY

In trial of

THE UNITED STATES Versus ARTHUR KURT THORAS et al

by

GENERAL MILITARY GOVERNMENT COURT

tried at

DACHAU, GERMANY BEGINNING 7 August 1947

14 August 1947 P 033 418 - 478

TESTIMONY

WITNESSES	Direct Cont'd	Cross	Redirect	Recross	Court
ROMAN DRUNG,	415				

EXHIBITS

NO.	DESCRIPTION	MARKED	RECEIVED IN EVIDENCE
P-24	Model Gallows	438	439

Camp Dachau, Germany

14 August, 1947

MORNING SESSION

(Whereupon the court reconvened at 1030 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all the members of the court are present; the prosecution and defense are represented by counsel; all of the accused are present; the reporter and interpreter are both present.

At the end of the last session the witness Drung was on the stand on direct examination.

PRESIDENT: The witness is reminded that he is still under oath.

HERMAN DRUNG, called as a witness by the prosecution, being reminded that he was still under oath, resumed the stand and testified further through an interpreter as follows:

DIRECT EXAMINATION, continued

QUESTIONS BY THE PROSECUTION:

Q Herr Drung, at the end of the last session I asked you to describe to the court, to tell the court in your own words, the working conditions in the tunnels of the prisoners.

A When I arrived down in the tunnel I found a picture which cannot be described in words. Practically hourly were the blastings, the detonations. The prisoners were injured quite often through the loose stones and at a terrific tempo they were urged to work to get the large stones out of the way. Through the explosions and the creation of dust and gases the mouth, the back of the mouth and the inside of the nose was completely covered with slime. There was no water in the tunnel. For weeks we were unable to wash. There was nothing to drink as well. There were buckets standing in the tunnel--

(Drung-direct)

tin buckets where prisoners had to take care of their needs.

Q Let me interrupt you there. Was it necessary to obtain permission--was it necessary for a prisoner to obtain permission to stop his work for any reason whatsoever?

A You mean in order to step out?

Q Yes. To relieve himself for instance.

A Yes. He had to report to the capo who was present.

Q All right. Continue please.

A As the prisoners were terribly thirsty they tried to get to the buckets in order to drink urine. In doing so they were mistreated by the SS and kicked to death. We could not wash at all so we had to wash ourselves with our own urine.

We slept four men in the bunk with one single blanket. The blankets were so dirty through mud--the beds never became cold because one shift released the other shift.

Q What do you mean by one shift released the other shift?

A When one shift had 12 hours work behind themselves they came to the block to sleep. The other shift had to get up a half hour before that so that the beds were always warm.

Q Do you mean by that that while one shift worked the other shift slept in the beds and they exchanged beds as they came off of work?

A Yes, that is what I mean. Well--but one couldn't think of sleeping because continuously in the close vicinity of the blocks, in front of the blocks the blastings were taking place.

Q Will you come up here and examine Prosecutions Exhibit P-25 and point out to the court just where these blastings took place?

A During the working hours they were not in the other tunnels, but what disturbed us the most during our sleep were the blastings which took place

(Drung-direct)

pld-83

here and the blastings which took place here. (Indicating.)

Q Any other places?

A And here also. (Indicating.)

Q Any other places?

A Well the blastings also took place here. (Indicating)

PROSECUTION: Let the record indicate that the witness points out on Prosecutions Exhibit P-83 as the place the blastings took place points on the map indicated by red arrows.

Q How long would these blastings go on?

A They were continuous day and night. The gasses were drawn into these tunnels here (indicating) where we were sleeping because there was no other way for the gasses to go.

PROSECUTION: Let the record indicate that the witness points out the progress of the men into the blocks marked B-1, B-2, B-3 and B-4.

Q Was there any sort of a partition or wall between the sleeping quarters and the tunnels?

A Yes. Mostly there were thin walls of wood, of thin wood, here and here and here. (Indicating.)

PROSECUTION: Let the record indicate that the witness points out as the place for these thin wooden walls the entrances to the four blocks, B-1, B-2, B-3 and B-4 from Tunnel A.

A These walls were not in one piece. They were continuously broken through the stones, these masses of stones which flew around.

Q Did it ever happen that a stone entered into the sleeping quarters itself?

A Very much as a matter of fact.

Q What would be the result of that?

A If somebody was hit by it naturally he was severely injured.

Q To your knowledge has that ever happened?

(Drum-direct)

A Very often.

Q Please continue.

A Here is where the ambulance was. (Indicating) That means that for a time it used to be here and then it was here. (Indicating)

PROSECUTION: Let the record indicate that the witness points out a place in the middle of Tunnel 42 and then at the entrance to Block 8-2.

Q What kind of an ambulance was that?

A That was a prisoner's ambulance, an ambulance where the injured prisoners and those that couldn't walk anymore would report to the prisoner doctor.

Q What would be done for the people who were injured, insofar as bandages?

A They were bandaged.

Q Was there always bandages present?

A No. The most primitive medicines were missing.

Q After the man who was hurt was bandaged what would happen to him then?

A If he was severely injured he was taken up above into the dispensary.

Q Where was that?

A That was up in the camp in Dora.

Q Now you mentioned some of the prisoners couldn't walk. Why couldn't they walk?

A Due to the terrific work tempo; due to the heavy work that they had to perform; due to the fact that there was no air in these tunnels. In a few cases they were so weak and so exhausted that they were exhausted.

Q Later on during the years of 1944 and '45 did that tempo change in any way?

A No, it didn't change.

(Prung-direct)

pld-53

In one year this tunnel was constructed and built up to such an extent that the V-Weapons could be produced.

Q Were they actually produced there Herr Drung?

A The V-Weapons?

Q Yes.

A Yes.

Q Have you any idea how many V-Weapons were made there daily towards the end of the camp?

A Approximately?

Q Yes, please.

A There were supposed to be produced in each hour one V-1 weapon.

Q How about the V-2 if you know?

A The V-2 was not quite as many. Perhaps 20 a day.

Q Do you happen to know how long B Tunnel and A Tunnel were when they were finished? How long were they?

A That I don't know exactly.

Q What is your estimate?

A As long as I was below it was not possible to look around because one was being pushed and pressure was being used all the time.

Q How many connecting tunnels were there, if you know that?

A As far as I know there were 48 tunnels there.

Q Later on, were there tunnels started in other places?

A Yes. Then I wasn't down below anymore. I can't say that.

Q You have talked about the number of men who slept in the bed and the sleeping conditions. Will you describe the bed itself to the court?

A The beds were boards nailed together in four tiers.

Q By that do you mean that one man slept on top of another up to the height of four people?

A In four tiers high--yes.

(Drung-direct)

Q How what did you have for bed equipment--mattresses, etc.?

A They were straw sacks but one could not call them straw sacks any longer.

Q Why?

A Through this terrible use all the time there were only little short pieces of straw inside.

Q How long did you sleep in the tunnel yourself?

A Four months.

Q During that time did you see that the mattresses were ever changed or washed or cleaned in any way?

A Yes, it did happen that when the death rate became too high and the straw sacks were full of mud and other filthy things.

Q For instance what were the other filthy things?

A Well the people were covered by absesses and other bloody masses. At the initiative of the block senior it could happen that new straw was brought in if there was such new straw present.

Q Was your mattress ever changed during the four months you slept there?

A Yes, I organized it myself.

Q At the end when the men were taken out of the tunnel what happened to the beds and the flooring?

A They were taken down and taken up above.

Q Did you happen to see the tunnels and the condition of the tunnels after the beds were removed?

A Yes I was still down below when they were taken out.

Q Tell the court what you---Please take your seat again---Tell the court what you saw after these beds and the flooring were removed?

A Underneath the floorboards there was stinking water. There were

corpses lying therein which were completely decomposed and everything what was in the camp.

Q This condition of water and corpses, over what portion of the sleeping quarters did that extend?

A The numbers, as I said already, have changed.

Q Well use the numbers that are there and tell the court how far this condition extended, using the numbers on the map. If necessary come up to the map.

A I can see. B-4, B-3 until B-2. The floor was hollow under there where the water was standing and, as a matter of fact, sometimes it was pumped out.

PROSECUTION: Let the record indicate that the witness is referring to Prosecutions Exhibit P-23.

Q In other words, if I understand you correctly, that water extended throughout the entire length of B-2, B-3 and B-4?

A Not to the entire extent, but there was a small canal there, a small excavation.

Q How many bodies would you say were found there in this water?

A Well, corpses were pulled out of there often when there was a general roll call. We were only taken up for air every 8 days. When during the roll call it was not correct the SS would start a search for the missing prisoners and during this search these corpses would then be found.

Q What would be done with the corpses when they were found?

A They were burned.

Q Were they counted in any way first?

A Counted?

Q Yes.

(Drung-direct)

A Yes, naturally they were counted.

Q Were they brought to any special place in order to be counted or were they counted in the tunnel itself?

A The corpses were lying in front of the blocks where the buckets are, standing in heaps for days on end.

Q Now, Herr Drung, you mentioned the stones. How were these stones handled, by manpower or by machine?

A You mean the stones that had blasted loose?

Q That is right.

A The big pieces were usually taken away through manual work.

Q How heavy would that be in your estimation?

A One centner, 100 weight. They were various sizes.

Q You were talking about the temperature in the tunnels, what was the temperature by day?

A It is difficult to state. It was cold.

Q How about the night?

A That was the same because we had no air coming in from the outside.

Q What clothing did you have, you and the other prisoners?

A Well, to start at the bottom, we had one pair of wooden shoes, very rarely were there stockings.

Q What would you have if you didn't have stockings?

A One organized some sort of rag.

Q What do you mean by "organize"?

A One saw to it that one found something, or one took cement bags and bound them upas far as the knee because one usually froze down below. The underwear, the under pants, that they have too.

Q What kind of material?

A A sort of linen stuff. They were mostly too short and mostly torn so that they didn't keep one warm.

Q So far you have wooden shoes, a pair of stockings, or a piece of rag, and under pants. What else did you have?

A One shirt.

Q Undershirt or top shirt?

A No, that was a shirt striped, shirt blue striped. There were never any buttons on there. And as the outer clothing a pair of pants and a zebra jacket.

Q What were the pants made out of?

A Of zebra. They had such a zebra stripe.

Q What was the effect upon the prisoners due to this lack of clothing?

A The results through the freezing during the night; the drops feel from the walls during the sleeping. One froze to such an extent that colds resulted, fever, pneumonia. During the first period in the tunnel we had eight to nine hundred deaths.

Q Now, what happened to a prisoner if he lost his shoes or his shoes were broken or stolen?

A He had to go to the clothing supply room and try to get another pair, but he usually had to bring back the old ones.

Q What happened if he didn't bring back the old ones?

A Well, he either received a beating or he didn't receive any shoes.

Q How often would a prisoner on the average need new shoes or a new pair of pants?

A There was no average. There were times when we had to wear a shirt from four to five months without being able to wash it.

Q How many shirts did they give you?

A One only received one. That was hanging on the body completely in rags, therefore we were very full of lice and the result from that was of course that we froze continuously because the clothing was not in one piece. We tried to improve this situation. We took cement bags and put them over our clothing. That contained two dangers. First of all, one was afraid that one would be punished on account of this, and secondly, one usually got a skin eczema.

Q What would eczema come from?

A From the cement.

INTERPRETER: I am sorry. That word is scabies, not eczema.

QUESTIONS BY PROSECUTION:

Q Was the use of these packages for that purpose permitted?

A No.

Q What would happen if a prisoner were caught taking this empty cement bag or caught using it?

A In general he would receive a beating for this, but he ran the danger of being reported for sabotage.

Q Was a prisoner, to your knowledge, ever reported for sabotage for using an empty cement bag for that purpose?

A He was not only accused of this cement bag but he was accused of many other things.

Q What do you mean by that?

A These wooden shoes didn't stand up very long among these stones that we had to walk on, there weren't any paths.

and if one took a piece of rubber that was scrap that could not be used for anything else any more, and if a prisoner nailed such a piece of rubber to his soles because they were on an angle already because they were crooked; or if the wooden shoes were torn to such an extent that they couldn't stick together any more one would tie them together with a piece of wire; or one wouldn't have a spoon and one needed a spoon and made a spoon out of some tin scrap then there was a report of sabotage. The results were usually death by hanging.

Q Can you tell the court to your own knowledge that men whose offenses consisted of using an empty cement bag or a piece of scrap rubber to mend their shoes, or a piece of wire to tie their shoes on to their feet, or use this piece of scrap metal to make a spoon, that men whose offenses consisted of any of those four acts were actually hanged for sabotage?

A Yes, for sabotage.

Q How many people were hung in Dora or the sub camps of Dora or the tunnels of Dora for that type of sabotage?

A From the outside camps I know very little. In Dora itself 310 prisoners were killed, that is by hanging. I will not say that they were hung solely for reports for sabotage rather, during toward the end a great number of prisoners were hung for attempts at escape or for a regular political activity.

Q How many do you estimate out of this 310 or 20 in Dora were hung for sabotage?

A 100.

Q Were there also hangings in the tunnels themselves?

A Yes, many hangings for sabotage.

Q Were these hangings in the tunnels in addition to the 300 odd hung in Dora or were they included?

A No, I mean them all together.

Q What was the largest number of people you saw hung at one time?

A I do not want to state the number too definitely but as far as I can remember there were 58.

Q Hung at one time?

A In one half a day.

Q Let us go back to the food question, Herr Drung. Tell the court what you had to eat during the time you were in the tunnel.

A The food was brought down from above, from the camp in cans mostly, 50 liter cans; completely cold, watery. As a rule there were turnips and very little potatoes. One didn't need a spoon for this.

Q Why?

A One could drink it out just like that.

Q When did you get this soup? How many times a day?

A At noon.

Q How much?

A One liter and sometimes when there was not sufficient three-fourths of a liter.

Q In addition to the soup you received at noon what else did you get on the daily average?

A At noon nothing further, only in the evening again.

Q What did you get in the evenings?

A In the evening we received bread. We were supposed to receive 450 grams of bread.

Q Were these hangings in the tunnels in addition to the 300 odd hung in Dora or were they included?

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A At noon nothing further, only in the evening again.

Q What did you get in the evenings?

A In the evening we received bread. We were supposed to receive 450 grams of bread.

Q What part of bread would 450 grams be, a whole bread, a half, or what?

A The breads were of different sizes. There were breads consisting of 1500 grams and even larger so therefore you cannot say that we today received a half a loaf, to-morrow we received a quarter of a loaf. It varied because the size of the bread varied.

Q What was the bread made out of?

A I presume it was made of flour. The bread was not bad.

Q You said you were supposed to get 450 grams of bread a day at night. How much did you get?

A Well, we couldn't weigh it. We didn't know, was it correct, was it less, or was it more?

Q In addition to the bread at night what else did you get at night?

A Sometimes we received margarine two and three times a week. The quantity varied quite often. The margarine was divided, one cube, that is 500 grams, one cube for ten men, sometimes it was for fourteen men, and sometimes it was even for twenty men.

Q What was the margarine made from?

A That I do not know.

Q What else did you get?

A In addition, if one can say, we also received sausage. If somebody dropped a piece on the floor it jumped two meters high. We called it rubber sausage.

Drung-Direct

Q What else did you get?

A When we received sausage we received less margarine. Then sometimes we received white cheese, cottage cheese, one spoon per man.

Q How big a spoon?

A A normal soup spoon. Sometimes we received marmalade.

Q Did you ever get margarine, marmalade, soup and cream cheese at the same time?

A No, that didn't happen.

Q If you got one of those four did you get a second one?

A I didn't understand that.

Q Did you get one of these four items during the night or did you get two of them, three of them, four of them?

A No. If there was soup then we received less margarine or perhaps none whatever.

Q When you got soup did you also get cream cheese at the same time?

A No.

Q Did you at the same time get the marmalade?

A No.

Q Was there ever a time when you didn't get anything except bread?

A That happened shortly before the end, shortly before the evacuation, that for days on end we did not receive any bread whatsoever. We did not receive anything.

Q What did you get for breakfast?

Brung-Direct

A Coffee

Q What else?

A Nothing.

Q What kind of coffee

A Black coffee.

Q Any sugar or cream?

A Nothing, so-called "nigger sweat".

Q How much?

A Half a liter.

Q So that your meals during the day consisted of one-half liter of this "nigger sweat" for breakfast?

A Yes.

Q And that was all for breakfast?

A For the breakfast that was all.

Q And if at any time you got a meal of this soup sometimes you could drink and sometimes not, you got nothing more?

A Nothing further but sometimes it happened that we received potatoes in the peelings and then we received a quarter of a liter of soup.

Q And for supper you received 450 grams of bread, sometimes margarine, cheese or this rubber sausage or marmalade?

A That is correct.

Q How much did you weigh when you came to Dora?

A That is difficult to say. Before I was imprisoned I weighed 103 kilos.

Q How much did you weigh at the evacuation?

A I happen to have a picture here, if you are interested I can show it.

Krung--Direct

Q How many of those pictures do you have?

A Only one. It is on my activity card.

Q How much did you weigh?

A 134 pounds.

Q How many kilos is that?

A It is approximately 67 kilos.

Q How many kilos did you lose?

A From 103 kilos.

Q 67, is that right?

A Yes, that is right.

Q What about the other prisoners? Did they lose weight or did they gain weight on that diet?

A In consideration of the work tempo and in consideration of the food that we received I don't believe it was possible to gain any weight.

Q In the average, can you tell the court what the average prisoner lost in weight?

A I had rather leave this to the doctors who will be here as witnesses . They will be able to do that better than I can.

Q How long did you work? How many hours?

A The working time consisted of 12 hours, then the march from work to the living blocks took place; then we had the roll call, these roll calls for counting, then the distribution of food.

Q How much sleep did you have per night?

A Approximately 5 hours.

Drung-Direct

Q Now, Herr Drung, you were talking about these executions for sabotage and you mentioned one big hanging. When did that take place?

A The larger hangings that took place were in February, March, but they started in October, 1944 and dragged out until the evacuation.

Q How many of those hangings for sabotage which took place would you say took place between October, 1944 and April, 1945?

A That is very difficult to say because we seldom know why the prisoners were being hanged.

Q Didn't they announce publicly why the prisoners were being hung?

A In general it was said that it was due to sabotage, and those who were hung for political reasons were usually hung in the political bunker.

Q Now, were these political hangings in the bunker -- were they open to the public?

A No, that was usually done secretly.

Q So that the hangings which took place in public that you told about and which you saw were all hangings for sabotage, were they not?

A Mostly, yes.

Q The prisoners who were hung because of their political beliefs -- where did you say they were hung?

A In the bunker courtyard.

Q At these hangings which you personally saw, Herr Drung, was anything read or said to the prisoners by way of an order or a sentence telling them that they were to be hanged and why?

A Yes.

Q What?

A It was very short. They were told that on the order of Himmler --- Later on they didn't need this any more, because the Security Service man Bischoff could confirm this -- such and such person, the nationality was stated, were to be hanged for sabotage of German armed material.

Q Were these men who were hanged for sabotage given a trial of any kind?

A No, there were no trials, no court trials.

Q These roll calls that took place, Herr Drung -- how long did they last?

A That varied quite a bit. One could be finished in half an hour. It depended on the roll --- It could take two or three hours. It depended

on the roll call leader, if he had a head for figures and could count.

Q Was there such a thing in Dora as a medical call -- sick call?

A I don't understand the question.

Q Was there a stated time and a stated place at which prisoners who were sick could go in order to get medical attention?

A Yes; they went to the dispensary.

Q Could they go there whenever they wanted to or was there a regular time to go?

A There were definite hours prescribed for this.

Q Now, Herr Drung, I want to come back to the question of hanging. Did you see a hanging in Dora itself?

A We all had to see the hangings which took place up in the camp on the roll call field.

Q Now, in your own words and in detail, describe one of these hangings to the court.

A The prisoners -- that is, the persons to be executed -- were led out of the bunker. They had a bit in their mouth which was held in the back of their head with a piece of wire.

Q What was the purpose of that?

A So that they couldn't speak, because there were many prisoners who spoke at the end and said, "Good-bye, comrades," "Good-bye, my friends."

Q Go ahead.

A They were then led up to the gallows; had to line up there. We had three gallows in Dora: one for six; one for three or four -- I can't remember; and one for individuals.

Q Can you tell the court whether their hands or their feet were bound in any way?

A The hands were tied; the feet not.

Q Now, this gallows that could hang six people at a time -- did you see that gallow?

A Yes, I did see that.

Q Did you ever see it when six men were hanged at one time?

A Several times.

Q Have you seen anywhere a model of that gallows that was used at Dora?

A Here?

Q A model, a small model of it?

A In Dora or where?

Q Do you know what "wood model" means?

A Yes, a model; a miniature.

Q Have you seen anywhere a miniature of the gallows that used to hang six men in Dora?

A Yes.

Q Where?

A In the front, in the room.

Q Do you mean in the prosecutor's office?

A Yes.

Q I ask you, Herr Drung, to examine this piece of wooden work and tell the court whether or not that is a model of the gallows used at Dora to hang six people at a time.

A Yes. Only the stairs wasn't there.

Q Well, now, Herr Drung, you start at the beginning, with the prisoner coming out of the bunker and show the court by referring to this gallows just exactly what took place, until the man was dead.

A The prisoners -- that is, the people who were to be executed -- were led out at double time, mostly helped on with kicks by the feet and pushes, were lined up in front of the gallows -- that is, down below on the ground; then the sentence was read to them.

Q Now, were they ganged with this piece of wood before they left the bunker or was that done at the hanging place?

A Mostly it had already been placed there in the bunker, but it

happened often that it became loose so that the person to be executed could still speak. Then the hangman came along and tightened it up, not in a very soft way.

Q All right, Herr Drung, you've got them standing on the ground. What happened then?

A Then they were led up on top. They stepped on some foot stool or something that was standing there. Every prisoner was led under one of those nooses. The hangman then placed the noose around his neck and then pulled the rope tied on the other side.

Q Now let's stop there a minute. Come over here and illustrate it to the court and, if necessary, unravel those strings and show us exactly how it was done.

A That is not necessary. The prisoners had to line up there.

PROSECUTION: Let the record indicate he was indicating a flat wooden space, a flat wooden section of the gallows.

A Then the noose was put around his neck by the hangman; tied each string, each rope, which belonged to the individual noose -- here is the first (indicating on model) -- around this thing here (indicating on model) -- around the knob.

PROSECUTION: Let the record indicate the witness is talking about a wooden cleat on each side of the gallows.

Q Well, pull it out and show us.

A When he had --- hen he put the second one around the next man's neck; and then when he had them all finished he pulled the trap door.

Q Will you pull it, Herr Drung, and show the court?

A When they were all tied tight then he pulled this lever (demonstrating) and the trap door fell down.

PROSECUTION: Thank you, Herr Drung. All right, you can sit down.

(Whereupon the witness resumed his place on the witness stand.)

Q How much of a drop was it, Herr Drung, from the level of the gallows

itself, the board upon which the prisoners stood -- how much of a drop was it from that board to the ground? How deep?

A I judge that the gallows were about six and one-half feet high.

Q I am not talking about the gallows. How deep is it from this point where my hand is (indicating) as well to the ground?

A In actuality or here?

Q No, in room.

A Approximately six and one-half feet.

Q What is done with the prisoners drop after the gallows was sprung?

A Practically they didn't fall; they didn't fall practically at all.

Q Why?

A Actually the ground was just pulled out from under their feet. It happened quite often that this trap door at first and didn't fall all the way down, so that they could still touch the ground with the tip of their toes.

Q Did it ever happen, Herr Hahn, that a prisoner struggled and tried to avoid being put on this gallows?

A That actually didn't happen.

Q Well, didn't a prisoner ever say something or hesitate in going up to the gallows?

A Only when they were hanging to the noose, or the string, and they were not quite dead yet.

Q And what happened to them?

A As the bodies on the noose, for the rope, are too close together the people who were being liquidated could touch each others they were too close to other; they would reach other up and and they tried to pull each other up on the rope of the other, because they were too close together, and they were being strangled to death instead of being hung.

(DR-EC-Direct)

Q What would be done when they tried to do that?

A The hangman tried to unwind them from each other, to pull the ropes tighter; but I have never seen on this large gallows that a prisoner, the person to be liquidated, was actually dead.

Q Well, what would happen to him?

A They would hang there about 10 minutes; then blood flowed out of their nose; and then they became unconscious. The head was very red through this suffocation, so that we, as laymen, were able to judge that these people were not dead, because there was also an individual gallows, a single gallows; whoever was hanged from this gallows was dead very quickly.

Q Well, now, were these people allowed to hang on this rope, or was their progress to Heaven expedited in any way?

A When they then were let down from the gallows they started to live again. Almost every one still gave signs of life. Then the SS came and gave them more than one mercy shot.

Q Was this mercy shown at any time in any way other than by shooting?

A I have personally seen how the hangman picked up a foot stool and bashed in the head of one of the persons that was to be executed.

Q Now, let's leave the hangings in Dora and go to the hangings in the tunnel. Have you witnessed a hanging in the tunnel itself?

A Once.

Q How many were hanged on that occasion?

A I believe 29, but I don't want to hold myself to this figure.

PROSECUTION: My watch may not be accurate. Is it time to recess? I can keep going. It is up to the court. I am about to describe a hanging in the tunnel itself.

First, I would like to introduce this model as an exhibit.

(The model gallows referred to was marked Prosecution's Exhibit P-24 for identification.)

PROSECUTION: The prosecution offers as its Exhibit 24, this model of the gallows used at Dora, as identified by the witness Drung, and testified by this witness to be an accurate representation, with

the exception of the stairway, and I request permission at the end of the trial to withdraw it and substitute photographs therefor.

Have you any objection?

DEFENSE COUNSEL: No, I haven't.

PRESIDENT: Prosecution's Exhibit P-24 will be admitted to the record. Permission is given to withdraw it at the conclusion of the trial and submit photographs thereof.

(The wooden model heretofore marked Prosecution's Exhibit P-24 for identification was received in evidence as Prosecution's Exhibit P-24, photographs of which will be attached hereto and made a part of the record.)

PRESIDENT: The court will recess until 1330 this afternoon.

(Thereupon the court recessed at 1200 hours.)

(DRUBG-Direct)

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AFTERNOON SESSION.

(Thereupon the court reconvened at 1330 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all the members of the court are present; that the defense and the prosecution are both represented by counsel; all of the accused are present; and reporter and interpreter are present. At the end of the last session the witness, Drung, was on the stand under direct examination.

RUDAN DRUNG, called as a witness by the prosecution, resumed the witness stand, and being reminded that he was still under oath, testified further through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q At the end of the last session, Herr Drung, I asked you if you witnessed a hanging in the tunnels themselves, what was your answer, please?

A Yes, once.

Q And I believe you said on that occasion some 28 men were hung?

A Approximately, Yes.

Q Now, will you describe in detail to this court everything you saw in connection with the hanging of this approximately 28 men in the tunnels?

A The persons to be liquidated were also taken out of the bunker, partly on foot and partly some of them were driven into the tunnels in cars. There they were taken to the tunnel. I don't remember what the name of it was, but it was where Number 42 is, which was the testing stand for the "V" weapons.

Q By "42", are you referring to this map here (indicating)?

A Yes, the last one.

PROSECUTION: Let the record indicate that the witness is referring to Prosecution Exhibit 23.

THE WITNESS: There in this tunnel which was particularly deep was the proving stand where the "V" weapons were. For the purpose of this testing there was a crane, a movable crane, in order to take the "V" weapons to the testing stand.

Q About when was this, Herr Drung--what was the date and the month and the year as nearly as you can remember?

A It was in the winter of 1944 to 1945, and I participated there.

Q Continue please.

A The persons to be liquidated were led up to the testing stand to this crane. On this crane there was a crossbeam. To this crossbeam the persons to be liquidated were tied with the ropes--there were ropes there. When the hangmen had placed the noose around the neck of those people, a button was pushed and the persons to be liquidated were pulled up. This was the meanest manner of hanging because the prisoners lived quite long and were dangling.

Q Now, this crossbeam which was raised from the ground by pressing a button, was it raised upward in an even motion, or was there any jerk to it at all?

A They were pulled up in a very slow manner in the normal man er in which a crane usually runs--very slow.

Q How far were the feet of those prisoners from the ground when the crossbeam stopped rising--approximately?

A That is difficult to say. Approximately three to four meters--because this tunnel was situated particularly deep. They were pulled up this high for the purpose that the other prisoners who had to watch this hanging could see.

Q How many were hung at one time?

A Six or eight--I am not quite sure.

Q How long did this entire spectacle last--how long was it between the time the prisoners were brought there to watch until the last man was dead?

A From the time that we were brought down until the completion and until we were back up again, approximately two hours had elapsed.

Q Now, Herr Drumg, what happened to the work in the tunnel while this show was being put on?

A The details to which these persons to be executed belonged, they all had to watch. Who didn't watch, who looked away received beatings.

Q Well, what happened to the work in building "V" weapons--did the work stop during these two hours?

A Not all of the details had to participate in this execution, only those details to which the persons to be executed belonged had to watch the hanging.

Q About how many prisoners were involved?

A At the watching?

Q Yes.

A Approximately 1500 or perhaps 2,000--it all depended.

Q How many were working in the tunnels altogether on that date, as far as you remember?

A The tunnel crew; the people who usually worked in the tunnel consisted of seven to eight thousand, but I don't want to fix this figure exactly. Those people who worked in the work administration will be able to give a better estimate of these figures.

Q Now, you stated that some of these prisoners were brought to the place of hanging by automobiles. Were these tunnels "A" and "B" wide enough for an automobile to drive in?

A Two railroad trains could drive next to each other through those tunnels.

Q And would there still be room left for an automobile?

A They weren't driven into the tunnels, they were only driven to the entrance of the tunnels.

Q Now, were these prisoners brought up to the gallows in the same way that the ones were brought who were hung in public--were their mouths and hands fixed up?

A Yes. Their hands were also tied, and their mouth was also bound. But the first executions which took place, the prisoners didn't have their hands tied behind their backs and their mouths were not bound, only after one of the prisoners who was to be executed said to an SS man, "Today is my turn, tomorrow is yours", that is when they bound their mouths, and only from that time on one of the prisoners tried to pull himself up on the rope while he was being hung. Both their hands were tied behind their backs. Up until that time they were chained with a chain one to the other--with one hand chained.

Q Did any of these prisoners struggle to avoid having the noose put around their neck?

A I didn't see it.

Q Now, you say that these prisoners choked to death or were strangled, and were not hung. How long did the prisoners remain suspended on the rope before they were taken down?

A Approximately 10 minutes.

Q Were the prisoners alive during that 10 minutes?

A Yes. One could see the way they jerked.

Q What happened to the prisoners who continued to live?

A They were all still alive.

Q What happened to them?

A They were then killed through shots in the back of their neck.

Q Were some of them or any of them killed in any other way?

A I saw twice that the hangman smashed them to death with a foot stool.

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Q Now, Herr Drung, you were at Dora for about 18 months, were you not?

A Yes.

Q During that entire time did you ever hear of a prisoner being tried by any kind of a court before being punished?

A A trial did not take place, but they were interrogated by the judicial officer.

Q Who was the judicial officer who interrogated these prisoners who were hung?

A The judicial officer was Detmers and later on Heinrich.

Q Will you once again point out to the court who was Detmers and who was Heinrich?

A Number 6 and number 7.

Q Which was Number 6--now?

A Number 6 was Detmers.

Q And who was Number 7?

A And Number 7 was Heinrich.

Q Do you know what this hearing consisted of that these prisoners received from Detmers and Heinrich before the execution was ordered?

A That I don't know; I wasn't present.

Q Did you ever hear of any witnesses being called to these hearings?

A No, there were no witnesses there.

Q Did you ever hear that any of these accused were allowed to put up a defense to the charge?

A Something like that didn't exist in the camp.

Q Who was the adjutant at the time of the hanging of these 28 men?

A In this period of time it was Schwarzbach.

Q At the time of these hangings which took place outside in Dora itself, for instance, when this Prosecution Exhibit 24 was used, who was the adjutant then?

Mr Bo-gm:-Nordhaus-8/14/47-8

A In my opinion Detmers remained in Dora until the fall of 1944.

Q My question was, Herr Drung, who was adjutant at the time of the hangings in the public--in the appel plats in Dora?

A Well, the hangings took place from the spring of 1944 until the evacuation, so both adjutants were there during this period of time.

Q Now, let's go to the hangings in the public in Dora. Who were the men?

A The first time it was the camp senior at that time, Zwisner, later on it was the prisoner, Killian.

Q Will you once more look around the courtroom, Herr Drung, and point out to the court which is Killian and which is Zwisner.

A Killian is number 10, and Zwisner is number 19.

PRESIDING: Let the record indicate once more that the witness has identified the accused, Killian, wearing Placard number 10, and the accused, Killian, wearing Placard Number 19, and that previously he recognized the accused Detmers wearing Placard Number 5 and Heinrich wearing Placard number 7.

Q Now, Herr Drung, who brought these prisoners to the gallows in the roll call square?

A The SS.

Q Can you name them, or some of them?

A Buchring was usually present.

Q Will you look around the courtroom, Herr Drung, and again identify Buchring?

A Number 4.

PRESIDING: Let the record indicate that the witness has identified again the accused Buchring wearing Placard number 4.

Q Now, Herr Drung, will you tell the court just what Buchring did--what part he played in this whole business of hanging?

A During the hangings he did very little, but he did find out or pick out those prisoners who were to be hanged.

Q What I want to know at this time is, what did he do in connection with the hanging itself from the time that the prisoners left the bunker until they were dead?

A He chased them up on the gallows by kicking them with his foot and pushing them. He saw to it that these hangings took place as fast as possible.

Q Where did he kick them with his feet?

A On their backsides or wherever he could hit them.

Q Now, you say he did everything he could to hasten the hangings. Please tell the court what he did to hasten these hangings in addition to kicking the prisoners?

A During the hanging itself I didn't see that he actually participated, but he ran up and got the second lot from the bunker.

Q Well, let's hear about that. When were all the people to be hung brought out there--at one time?

A Not always. If there were too many, No.

Q How would it be done when there were too many?

A A part of them would be standing on the roll call field, and the rest of them would still be in the bunker.

Q Now, after the first lot were hung, who would you say would go back and get the second lot?

A The second one was already standing there. Everything was done in a terrific hurry.

Q Well, who went back for the third group then?

A Oh, he went and got one group, behind them up there then he went back and got the second group.

Q Who was this "he" you are talking about?

A I mean Baumring.

Q Now in addition to kicking the prisoners and bringing them out from the bunker to be hung, did he do anything else in the open that you could see?

A I can't say anything more about Buehring during the hangings but I do know that many prisoners said that many of them would not have been hanged if it had not been for Buehring.

Q Now, Herr Drung, you testified that in one case where the prisoner did not die as a result of hanging from a rope, he had his brains knocked out with a stool. Do you remember saying that?

A Yes.

Q Who wielded the stool?

A Kilian.

Q Did you say that in some instances prisoners who had not died as a result of this so-called hanging were shot in the back of the neck? Did you say that?

A Yes.

Q Who was this pistol expert?

A The main shot was Boeser.

Q Drung, if Boeser is in the courtroom, the man you are talking about as doing the shooting, will you once again point him out to the court?

A No. 13. (Indicating.)

PROSECUTION: Let the record indicate that the witness has again identified the accused Boeser, no. 13. On the basis of your personal knowledge, Herr Drung, how many people were shot by Boeser in the back of the head in the manner you have just been talking about?

A I cannot state an exact number. After a mass execution where more than approximately fifty prisoners were hung that afternoon, that evening after I had been called to Boeser for something or other--I can't remember why--I was very much surprised that Boeser had participated so

enthusiastically in the shooting that afternoon, because up until that date I had considered Hoesar as one of the half-way decent SS men. In reply to my question, How this was possible for him, Hoesar told me literally, "You are a farmer. The same way with the same pleasure as you shoot at a deer, I shoot at a human being. When I came to the SS and I had to shoot the first three persons, my food also didn't taste for three days, but today it is a pleasure. It is a joy for me." Something in that sense he explained himself. Since that time I lost my belief that there were also decent SS people.

Q Herr Drung, can you give an estimate of the minimum number, let's put it that way; can you give an estimate of the minimum number of people partly hung whom Hoesar shot in the back of the neck?

A Exactly I can't say but at least twenty to twenty-five I watched.

Q Now these twenty to twenty-five partly hung people that you saw Hoesar shoot in the back of the neck, what happened?

A They were later on burnt.

Q Did they live very long after Hoesar shot them in the back of the neck?

A It happened that two had to even receive two shots in the back of their necks.

Q What happened to them? What was their condition after Hoesar finished shooting?

A Then they were quiet.

Q What do you mean by that?

A One could presume that they were dead. They didn't move any more.

Q Now about this man whose brains Kilian knocked out. What was his condition after receiving that blow?

A He was dead immediately.

Q Now you stated that some of these people who were hung up by

(Drung - direct)

Zwiener and Kilian lived a long time. Did it happen that any of them died while still hanging from the rope?

A When Zwiener did the hanging he usually hung them on an individual gallows, so that they died very quickly. These mass gallows only came up later, when Kilian did the hanging.

Q What happened to the prisoners as a result of Kilian's hangings?

A They were not hung but they were only strangulated. They practically all lived.

Q For how long?

A Until they were killed through a shot in the back of the neck.

Q Was it necessary to shoot all of them, or did some of them die as a result of the hanging?

A It is possible that individually some of them died through the rope, but the major portion of them were still dangling.

Q Now let's go into the tunnels, Herr Drung. Who was the hangman in the tunnels?

A Kilian.

Q Who were the men that bashed the brains out of these two people who didn't die as a result of strangulation which you told me took place in the tunnels?

A That I didn't say, that their heads were bashed in down in the tunnels, but up above in the rollcall field.

Q How many of these cases did you see in the rollcall field?

A I only saw two.

Q Who did these two?

A Kilian.

Q In both cases?

A In both cases.

Q Now the shooting in the back of the neck which took place in the tunnels, who did that shooting?

A The escorting SS troops.

Q Who were they?

A That is very difficult to say today.

Q Were any of the accused present there?

A As far as I know, yes.

Q Now let's go b ck to the hangings in the appel place. In addition to Moeser and Kilian and Zwiener and Buehring, were anyother SS men present at these hangings whom you know?

A As concerns the station complements SS insofar as they were not away,on leave or furlough, they were always present.

Q Herr Drung, will you name to the court those of the accused whom you personally saw present at one or more of these hangings?

DR. AHEIMER: I believe the translation of the interpreter was not correct. The witness said "chargierte" SS. Perhaps the prosecutor could find out through questioning what the witness meant with Chargierte SS.

INTERPRETER: I translated it "station complement SS.".

Q What do you mean by this German expression you just used, the chargierte SS.?

A I mean with that, these are the SS people who had permanent duty in the camp. That includes the camp leaders, the rollcall leaders. It concerns all the SS that was there.

INTERPRETER: I am sorry, sir, will you please ask the German attorney not to talk to me?

A It was the people who had service in the camp. It was the camp leaders, the rollcall leaders, all the SS who were at least the rank of a non-commissioned officer, mostly sergeants, perhaps down to corporals.

PRESIDENT: Do you wish to sit on the other side of the witness?

INTERPRETER: If you don't mind, sir.

PRESIDENT: If any of the German counsel wish to question the

translation I wish they would bring it to the attention of the court instead of the interpreter.

Q Herr Krung, will you, for the information of the court, name by name those members of the accused whom you personally saw present at one or more of the hangings, either inside the tunnel or outside the tunnel?

A I can't remember exactly who all participated in these but I know only that 1st Lt. Boeser and Buchring participated in the shooting.

Q What did Buchring do by way of participation in the shooting?

A In that he also shot those persons who were to be executed in the back of the neck.

Q How many persons do you remember seeing Buchring shoot in the back of the neck?

A I can't give any figure because they went around every place and one could not see everything.

Q Did you, personally, see--personally see-Buchring shoot in the back of the neck.one or more than one prisoner?

A Yes.

Q By the word "yes" do you mean that you personally saw him shoot more than one?

A Yes, that I have, but I cannot state the figure.

Q Would you say that the number of persons you saw Buchring shoot in the back of the neck would be at least five?

DEFENSE COUNSEL: There is an objection hatching in the mind of the defense which has been going on for about half an hour, due to the fact that most of the testimony up to this point has been given by the prosecutor, and the witness has merely agreed with him. I strongly voice an objection to that type of questioning and ask the court to instruct the prosecutor to cease leading the witness, and ask the witness questions which he can answer.

PROSECUTION: I withdraw that question.

PRESIDENT: Does the defense object to this specific question?

PROSECUTION: I withdraw that question.

DEFENSE COUNSEL: Yes, I object to that specific question, if the court please, and I further make a motion that the court kindly instruct Prosecutor to desist in that type of questioning or I will have to object every time.

PRESIDENT: The defence will object as the occasion for objection arises; the court does not care to have a continuing objection before it all the time.

QUESTIONS BY PROSECUTION (continuing)

Now, Herr Brunn, I appreciate the fact that you cannot say exactly howmany people you saw Buehring shoot in the back of the neck, but will you give the court the smallest number that you are sure about?

DEFENSE COUNSEL: I am going to object to that, if the court please, on the ground that the question has been asked and answered by the witness by saying that he cannot remember how many people were shot by the accused?

PRESIDENT: The objection is overruled. The witness will answer the question. Does the witness wish the question repeated?

A It is very difficult to say anything because in the condition that we found ourselves we were actually death on a holiday. It is therefore difficult to remember exactly numbers, but in any event Buehring shot more than once. The exact number I cannot say.

Q What happened to the people after they were shot by Buehring?

A After the execution, after the gallows had been taken away, the bodies, as a rule, were loaded onto an automobile and driven to the crematory.

Well, at the time they were driven to the crematory, were they dead or alive?

A I didn't see anyone alive.

(Brunn - direct)

Q Can you tell the court the cause of death of these people who were hung and also shot? Will you tell the court the cause of the death of these prisoners who, in addition to being shot, were also strung up?

DEFENSE COUNSEL: I would like to object to that question on the ground it calls for a conclusion on the part of the witness and it calls for his giving expert testimony, for which he has not been qualified by the prosecution.

PRESIDENT: Objection sustained.

Q Well, Herr Drung, these people who were partly hung and then partly shot and who were dead when they went to the crematory, outside of hanging and shooting, do you know of anything else that led to their deaths or that caused them to die just then?

DEFENSE COUNSEL: If it please the court, I am going to object to that on the ground that the witness has answered that at the time to which the prosecutor refers he saw none of the persons as being alive at that time.

PROSECUTION: He says at the time they were moved to the crematory.

DEFENSE COUNSEL: Is that the time to which the question refers? If not, will the court please ask him to reword the question so that the time will appear?

PROSECUTION: I am not interested in the time. I will repeat my question. These people whom you saw hung up and later saw shot in the back of the neck and later saw taken away to the crematorium, so far as you know, was there anything that contributed to the death of these people besides the hanging and shooting?

DEFENSE COUNSEL: I withdraw my objection.

A Outside of the hanging, the shooting and the beating to death, in my opinion nothing further.

Q And this beating to death you have in mind, Herr Drung, are

you referring to the kicks that the prisoners got on the way to the gallows or to some other beating?

DEFENSE COUNSEL: I am going to object, on the ground that the prosecutor is putting words into the mouth of the witness and is testifying for him.

PROSECUTION: I will withdraw the question. To what beatings are you referring when you say that the cause of the deaths of these people were the shootings, the hangings, and the beatings. To what beatings are you referring?

A I mean the beatings with the foot stool when their heads were bashed in.

Q Now, Herr Drung, what was the nationality of the prisoners in Dora?

A Which prisoners? You mean all the prisoners?

A Everybody except the German prisoners.

A There were Poles, Czechslovokians, Roumanians, Jugo-Slavs, Russians, Greeks, Belgians, Frenchmen, Dutchmen, two Englishmen and one American and one Hindu. Turks were there.

Q Were there any others that you haven't mentioned?

A I have to think back to see if I didn't forget somebody in any event all of Europe was represented there.

Q What was the nationality of the prisoners, outside of the Germans, who worked in the tunnel?

A All nationalities worked down below.

Q What was the nationality of the prisoners who were hanged either inside the tunnel or outside the tunnel?

A All nationalities with the exception of the Two Englishmen and the one American who later lost his life. There were all nationalities hanged.

Q Tell the court what you know about this American? What was his name?

A I only know his first name. He was a Doctor and he was called "Johnny".

Q Where did he work?

A He was employed in the dispensary as a prisoner doctor.

Q Which lager?

A In Dora.

Q Any outcamps?

A Later he was sent to an outcamp, but I can't remember which one.

Q Do you know what happened to Johnny?

A I heard later after I was freed that "Johnny" had been murdered by means of a hand grenade.

Q Did you hear where?

A In one of the outcamps. I can't remember which one anymore.

Q Now wait--talking only about the non-German prisoners--what kind of prisoners were there in Dora?

A They were for instance, forced laborers. There were also prisoners of war there.

(Krumm-direct)

Q What was the nationality of the prisoners of war?

A Russians, Italians and Frenchmen.

Q Did you ever have an opportunity, Herr Drung, to go around outside the camp?

A I wanted to add something.

Q Pardon me. Go ahead.

A As far as I can remember "Johnny" was also a prisoner of war. He was a member of an airplane crew.

Q Now, Herr Drung, did you ever have an opportunity to walk outside the camp around the circle of the camp?

A Only inside of the sphere of the camp up to the tunnel.

Q Have you ever seen an anti-aircraft battery?

A I didn't see it, I only heard it.

Q Where did you hear it?

A It was standing on the airfield near Nordhausen.

Q How far is that from Dora itself?

A Perhaps four kilometers.

Q How far is it from the outcamp Nordhausen?

A I personally was never in Nordhausen proper.

Q What was the occasion when you happened to hear it?

A When flyers were coming over and during the latter part of the time we had low flying planes come over the airfield.

Q Was Dora marked in any way to indicate that it was a prisoner camp?

A What I do not know, but from my experience of having been imprisoned for so many years I know that all the allies know where ever a concentration camp was situated.

Q How far was Dora itself from the mouth of the big tunnels?

A It could have been one and a half kilometers.

Q Were there any railroad lines around or near Dora?

A Yes.

Q There were they?

A They went from Niedersachswerfen into the tunnels.

Q Will you take a look at prosecution's exhibit 3921A and point out to the court where the railroad lines were around Dora? Use the pointer.

A Dora was actually the camp proper where the prisoners were.

Q Yes. There were the railroads?

A They went—I have been outside the camp too rarely to be able to say exactly where these railroad stations or tracks were. All I can say is that I know that there was one that came into the tunnels. I could show it better on the other sketch, but I don't know if these tracks went out at the other end again.

Q That anti-aircraft battery you were just talking about, Herr Drung, do you know whether or not that was the only one in Dora?

A As far as I have heard--but only heard--there was supposed to have been another one standing on top of the mountain under which the tunnels were.

Q Now, Herr Drung, is there anything that you can tell the court about the prisoners of war in Dora in addition to what you have already said? If there is tell it.

A About the prisoners of war?

Q Yes.

A The prisoners of war had to perform the same type of work as the other prisoners. They received the same food. Otherwise I wouldn't know of any difference in the treatment of the prisoners of war.

Q Have the same clothing?

A No. The Italians had Italian uniforms. The Russians, Russian uniforms as far as they were still intact, as far as they were all there yet. It did happen when the uniform was in tatters that that particular

(Drung-direct)

Q Where were they?

A They went from Niedersachswerfen into the tunnels.

Q Will you take a look at prosecution's exhibit 3781A and point out to the court where the railroad lines were around Lera? Use the pointer.

A Dora was actually the camp proper where the prisoners were.

Q Yes. Where were the railroads?

A They went—I have been outside the camp too rarely to be able to say exactly where these railroad stations or tracks were. All I can say is that I know that there was one that came into the tunnels. I could show it better on the other sketch, but I don't know if those tracks went out at the other end again.

Q That anti-aircraft battery you were just talking about, Herr Drung, do you know whether or not that was the only one in Lera?

A As far as I have heard—but only heard—there was supposed to have been another one standing on top of the mountain under which the tunnels were.

Q Now, Herr Drung, is there anything that you can tell the court about the prisoners of war in Lera in addition to what you have already said? If there is tell it.

A About the prisoners of war?

Q Yes.

A The prisoners of war had to perform the same type of work as the other prisoners. They received the same food. Otherwise I wouldn't know of any difference in the treatment of the prisoners of war.

Q Have the same clothing?

A No. The Italians had Italian uniforms. The Russians, Russian uniforms as far as they were still intact, as far as they were all there yet. It did happen when the uniform was in tatters that that particular

(Drung-direct)

person would receive the Zebra uniform until his own had been mended completely.

Q Can you tell the court, Herr Trung, whether or not, among the men who were hung, either in the tunnels or outside the tunnels in Dora there numbered among them prisoners of war?

A I cannot state that exactly.

Q Did you hear from anyone whether or not prisoners of war were among those who were hanged?

A Well, what one understood directly as prisoners of war--I know a whole number of Frenchmen who were not counted as prisoners of war in the camp even though they were soldiers and these were people who had parachuted from the air. That is they had made emergency landings particularly over France, however. These people arrived in our place as prisoners. Even though they told me so--some of them spoke very good German--that they were soldiers.

Q Were any of these hanged?

A Of these, yes, there were some hung.

Q You used the word "Haeftling". What is the difference between "Haeftling" and "Kriegsgefangener"?

A The prisoners of war stood out from the rest of the prisoners through their uniform.

PRESIDENT: The court will recess for 15 minutes.

(Thereupon at 1445 hours the court recessed.)

(Thereupon at 1500 hours the court reconvened.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all the members of the court are present; the prosecution and defense are represented by counsel; all of the accused are present; the interpreter and reporter are both present.

A the end of the last session the witness Drung was on the stand undergoing direct examination.

PRESIDENT: The witness is reminded that he is still under oath.

RAM N TRUNG, called as a witness b the prosecution, being reminded that he was still under oath, resumed the stand a d testified further through an interpreter as follows:

IREC EXAMINATI N, continued.

QUESTI NS BY TH PRO ECUTI N:

Q Towards the end of the last session Herr Drung we were talking about prisoners of war. Before I leave that subject is there anything else you can tell the court about prisoners of war in Dora in addition to what you have already said?

A I know that Frenchmen who were in the English Army--in other words they served withthat army after the occupation of France by Germany--who parachuted out of planes over France were brought to Dora who were not in uniforms. However, because in autocamps or there where they were captured they were taken through delousing chambers or through bathhouses where on the one side they took off their uniforms and came out on the other side from the delousing chamber and received Zebra uniforms. These prisoners we also considered as prisoners of war. Therewere several high officers among them. We endeavored to decieve the SS about their rank. In this manner we gave a large number of higher officers different type of occupation, camouflage them partly as farmers in order to save them from execution because it was known that every intellectual or rather any officer of another army was, so to say, standing on the point of death.

In spite of these falsehoods on the part of the prisoners this type of prisoner who worked in the tunnel on the V-Weapons through so-called sabotage reports also hung.

Q Herr Drung, who made, if you know, these reports of sabotage as the result of which these people were hanged?

A These reports were of various sorts. On the one side through the so-called Work Security which was directly subordinate to the Security Service. On the other hand there were confidence men. These were prisoners who wanted to receive a more privileged position. These prisoners were designated through brassards and were called controllers. Capos also made reports. These reports usually went through the Director downstairs who then passed these reports on to the Security Service.

Q Let me interrupt you. Who was this director you just mentioned?

A There were various directors there as far as I have only heard. I heard that all reports--as far as he was present--that all reports went through the Director General Rickhey. It was told in the camp that any report which did not go through the work security always had to go through Director General Rickhey.

Q And it was as a result, was it not, of these reports for sabotage that these victims of hangings came to their fate, is that true?

A Yes.

Q Now Herr Drung you told the court about the rations, the food that the prisoners got. Did it always happen that a prisoner was allowed to keep and use for himself the ration which he did receive?

A It happened often than an entire detail--it happened often that every second day for a period of 14 days up to four weeks that the portions which the prisoners were to receive were held from them by Technical Sergeant Simon through reports.

Q Now, from whom was this food withheld because of reports?

A That was done at the direction of the labor allocation from Technical Sergeant Simon.

Q Why was it done?

A If the detail had not been very busy or if other things had happened--if it happened to be noticed in any manner whatsoever it was punished by withholding of portions or rations.

Q That withholding would apply to everybody on the detail is that what you said?

A For each prisoner who was on the detail, for that particular detail which happened to have come under notice.

Q Did it happen that a prisoner gave up his food for any reason to someone else?

A I am of the opinion that every prisoner needed that little bit of food very badly.

Q Did it ever happen that a prisoner gave up a portion of the food that he had because of some type of compulsion?

A Under compulsion no, only if he was punished, then the food was withheld from him.

Q This food was proportioned or allocated in the kitchen for every work detail. Did it always happen that the food portioned out in the kitchen for the detail, reached the detail?

A I did not quite catch the sense of the question.

Q Well, suppose in the kitchen the food was put into buckets and sent out to a work detail. Did everything that was sent out reach the detail or did it ever happen that some of disappeared on the way?

A No, only those details which were being punished, which portions were brought to Tech Sergeant Simon.

Q Herr Drung, have you anything else to add, to give this court before we go on to something else about general conditions in the camp and in the tunnels?

A I only wish to say that Camp Dora on basis of the working conditions that existed there and the most primitive necessary human installations which were missing there, suffered very, very badly. I do not believe that there are very many prisoners who were ever in Dora who are not carrying the germ of some disease within themselves.

Drung-Direct

Q Were any priests or ministers of the gospel at Dora?

A Yes, but very few.

Q Were they allowed to officiate ?

A I have been in concentration camps for ten years. I never heard anything about God or the Church.

Q What duties were these priests and ministers of the gospel at Dora performing

A They worked exactly like every other prisoner.

Q Do you know whether or not any of them ever worked in the tunnel?

A Yes.

Q Did they? Did they work in the tunnels?

A Naturally, almost all of them.

Q Herr Drung, you have said something to the court about beatings. Can you tell the court anything in addition about beatings in general other than what you have already said, just a general statement about beatings?

A Like every other camp in Dora also the SS did beat. It was said that it was prohibited and it was not permitted to do any beating with the exception of a directive from the Security Main Office in Berlin, but in Dora one didn't see anything of this prohibition. Beatings took place arbitrarily during work, on the way from work, in the blocks, of course there were punishments, 25 blows with a stick on the wooden horse if reports were made. These were punishments which had been approved partly by the RS Reich Security Main Office, partly on their own the SS members made these punishments without the approval of the Reich Security Main Office in Berlin.

Q Which of the SS personnel at Dora required permission from higher authority before t ey beat anyone?

A The matter is as follows: If a prisoner was reported for any kind of an offense so it happened that this matter was reported to the Security Main Office and this Security Main Office then decided if he was to receive 25 or 50 blows and this way called it the official beating.

Q How about the unofficial beatings?

A If one forgot sometime to take one's cap off before an SS man, or if one had organized something, for instance to tie one's shoes. So we were grateful if we received only 25 blows rather than a report for sabotage.

Q Now, Herr Drung, in your testimony you identified certain of the accused by name, among them you identified the accused, Andrae. Will you tell the court what you know about the activities and actions of Andrae, either what you know personally or what you were told?

A When I came to Dora, in my opinion, Andrae was already in the Post Office as the Chief of the Post Office. At that time many packages came to Dora. Many packages from the red cross, from France, Belgium, Netherlands, Denmark, also Swedish packages, and Czech packages as well as Polish packages. There were very few German packages because the food was at that time in Germany also already scarce, and the first time, when we were still in the tunnel, the packages were delivered to the block eldests as they were. The block oldests wrote down the numbers of the packages on a list and posted this list in such a manner that every prisoner could read it when he came back

from work. The prisoners came after the end of the working time to get their packages. The package would be opened in the presence of the block eldest by the prisoner. The instruction for the block eldests consisted of the fact that all medical products were to be confiscated from the package, also such things which were in bottles, with other words, liquids, were also to be confiscated. These medical products the prisoners, or rather the block eldests had to deliver to the prisoner dispensary. For the tobacco and the cigarettes that were in those packages the prisoners had to pay duty; for one cigarette, six pfenig, for a cigar, ten pfenig; and for one gram of tobacco, two pfenig. Every block eldest had a book and in this book the prisoner had to sign that he had paid this and this amount of duty. This money was turned in to the Post Office.

hat did they do with it?

A That I do not know, but soon it changed very considerably with these packages. The prisoners at that time smoked good French cigarettes, such as Gulloirs and Camels. Perhaps it did not please the SS because then the block eldests were not permitted to open these packages any longer. The packages were opened at the Post Office and all pieces of clothing were confiscated, particularly Frenchmen's and Belgian's. They received very good underwear that is from the red cross. This was confiscated. All medicinal products were taken away. In most cases all the tobacco ware, all good things such as chocolate, tin cans, so that in thim packages nothing remained. If something did remain it was but biscuits and a few cubes of sugar. Everything else Andrae retained in his Post Office. The

packages had two tags from the Red Cross. The prisoners first of all had to sign these tags. The tags were then sent back to the Red Cross. After this he would receive the package and in most cases the only thing that was there was the box and the string. The prisoners due to these things that happened came to me and complained because at this time I was the camp senior, camp eldest. I personally tried to go to the Post Office and speak to somebody and whereupon I was told that it is untrue. I then thereupon sent the prisoners personally to Andrae and to the officials of the Post Office. When I saw however, that the prisoners for the most part were punished for this and beaten for this—

Q By whom?

A They were reports made for the accusation of the SS for favoritism.

Q By whom were these reports made?

A That I can't say exactly. I only know and have personally heard that the Post Office officials, that is the SS, told the prisoners that this robbing of the packages had already happened on the way, on the railroad. That it was not true I could convince myself because of the fact that in the Post Office itself there were staples of good underwear which originated from the packages. This underwear was sent to the SS Clothing Supply Room. There was the Tech Sergeant Helbig employed. The other confiscated things were standing next to the room of the roll call leader. They were cases containing tin cans with chocolates, cigarettes, tobacco, sugar, well, with other words, every good thing. I once went

Krung-Direct

to the Commanding Officer, Foerschner, because he was a person who had some understanding for the prisoners, and explained these matters to him. He did not believe me. Only during one occasion when I saw that he was personally smoking Camels everything was clear to me. One could say as in defense that many prisoners in the camp who were not supposed to receive packages did receive packages. That is true. They were packages which had partly been pilfered already, but these were packages of prisoners who had already died, and when this package room was so filled up that it contained no more room any longer a gallant gesture was made and individual details and individual prisoners received packages. That is what I would have to say about packages.

Q And who did you say was the man in charge of this Post Office?

A Andrae.

Q Is there anything else you can tell the court about Andrae?

A I only know him from the Post Office and at that time I repeatedly warned him very loudly that some day one would be called to answer for the fact that one was stealing Red Cross packages because there were very many medicinal products in these packages. These medicinal products, when the SS opened these packages were not placed at the disposal of the prisoner dispensary any longer. I remember one incident where two prisoner doctors had come to the Post Office to inquire about the medicinal products. It was told them that Krung-Wiest

they were not medicinal products of any sort. The one prisoner doctor understood the thing however and stuffed his pockets with some of these medicinal products and brought it to the prisoner doctors who could read French, Belgian, and Danish. According to the statements of these doctors these medicinal products were extremely valuable.

Q What did Andrae do with these medicinal products?

A As I heard from these two prisoner doctors, Andrae destroyed all those medicinal products which were not of an international nature like for instance, aspirin, he destroyed all these because he didn't know what they were. If the French and the Belgian prisoners had received their packages from the Red Cross and also those packages which they received from home, it is possible that many could have been saved because particularly the French and Belgians died very easily.

Drung-Direct

Q Do you know what Andree did with these medicines?

A As I heard, as I have already told you, he is supposed to have destroyed all those medicinal products which he couldn't identify, which he didn't know what they were.

Q Well, what did he do with the ones he could identify?

A Probably turned them over to the SS dispensary. From the beginning on they had to be turned over to the prisoners dispensary.

Q Can you tell the court about anything Andree did outside the post office?

A Andree didn't have any other duty outside of the post office.

Q I don't mean what his duties were outside the post office. Can you tell the court anything about his actions, or his conduct, or his relationship with prisoners outside the post office?

A It is not known to me as he was active in any way as a beater. I only know about the packages -- that those also were watches and rings, valuables of that nature, confiscated from the packages and sold somewheres.

Q Now, Herr Drung, you recognize the accused Brauny. What can you tell the court about Brauny?

A Brauny was in Camp Dora one of the first camp leaders. He was known generally as a heavy beater; and later on when he wasn't the camp leader and the roll call leader any longer, he went to outside details. I know that at the end he was at the detail Rottleberode, and on this detail Rottleberode, during the evacuation, in a hayloft 1600 prisoners were burnt. They were covered with hand grenades and with a salvo of machinegun shots if they tried to put out the fire which the SS threw in there. The prisoners were chased into this hayloft; the hayloft was locked; there was very much straw within this hayloft. All of a sudden the door was opened and the SS threw burning balls of hay into the hayloft. The prisoners suffocated these fires with blankets and with rolling on them. Thereupon the SS threw in hand grenades and again fire so that finally they succeeded in liquidating

those prisoners there.

Q Let's go back to the beatings of Dora, Herr Drung. What would Braumy use to beat prisoners with?

A It just happened to be what he had in his hand there -- a piece of wooden slat; or, down in the tunnel it was very much the steel -- to use a cable, a cable which contained wire.

Q Where would Braumy hit these prisoners?

A Where? Where he happened to hit.

Q Do you know anything else about Braumy at Dora?

A I only know that he was a beater who was very much feared. Further, I have nothing to say about him in Dora.

Q Do you know anything about his activities in Bottleberode?

A Yes, he was detail leader there, and responsible for everything that happened there.

Q Who were Braumy's closest associated in Dora?

A That I can't say. He went together with various SS. As far as I can remember it was Tech Sergeant Koenig.

Q Now, you also recognise Brinkmann. What can you tell the court about Brinkmann?

A Brinkmann was, in my opinion --- I have come to know thousands of SS men during my captivity --- one of the most unpredictable persons that I have ever met. He was not only a beater, but was an absolute sadist.

Q Upon what do you base those opinions, or, those statements?

A This man -- I mean Brinkmann; one can not designate him as a man, as a human man -- used so much chicanery and mistreated us so badly --- His favorite method was the sport -- it consisted of, that the detail or individual prisoners who were picked up together had to roll around for hours on the roll call field. The sport consisted of the rolling, in hopping, and in lying down and getting up. Brinkmann personally went around there between these rolling and hopping people and hit with the heels of his boots

wherever he wanted to. This type of sport, who has ever participated in it, meant sufferings, severe sufferings for those people who were weak already, what it means for two hours to roll, to hop, to get up and down, and on top of this, to get the heels of the boots of the SS in the face or wherever they happened to strike -- they know what Brinkmann has on his conscience. I personally at one of these sport events, as a result of this sport, lost four friends who immediately after this sport were taken to the dispensary and in 14 days died of internal bleedings.

PROSECUTION: I think we might recess here, may it please the court.

PRESIDENT: The court will recess for 15 minutes.

(Whereupon the court recessed at 1603 hours.)

• • •

(Whereupon the court reconvened at 1620 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show all members of the court are present; prosecution and the defense are represented by counsel; all of the accused are present; the interpreter and reporter are present.

The witness Drung at the end of the last session was under direct examination.

PRESIDENT: The witness is reminded he is still under oath.

ROMAN DRUNG, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, testified further through an interpreter as follows:

DIRECT EXAMINATION (continued)

QUESTIONS BY PROSECUTION (continued):

Q Now, Herr Drung, at the end of the last session you were telling the court about four of your own personal friends who suffered at the hands of Brinkmann. Will you tell the court again just what happened to these four of your friends, where it happened, who caused it to happen?

PROSECUTION: (Addressing defense counsel.) Unless you object to three questions in one.

A Where it happened, that was in Camp Dora on the roll call field, and when one entered the camp on the righthand roll call field there was a detail which had to make these sports. My four friends were also there in this detail. I didn't know anything about the fact that they had to perform this sport. They came to me in the evening; they dragged themselves along; they were ill; and told me that they had performed sports. That sport was being performed on that day. They were so miserable that I brought them in to the dispensary.

Q At this point tell the court just what you observed about their condition.

A The one had blood on his ear; had received a boot heel on his head.

Q From whom?

A From one of the SS men; he didn't know exactly which one; under the supervision of Master Sergeant Brinkmann. The others complained about internal injuries. I brought them to the dispensary and there I told the prisoner doctors about the matter. The American Johnny was present there and a French doctor, whose name I don't remember exactly, but I would recall his name if I would see a list of all the prisoner doctors who were there in the camp at that time. I visited, or, rather, I inquired very often about the condition of my friends.

Q Let me stop you there. Were these four friends of yours examined by the prisoner doctors there at that time?

A Oh yes. Every prisoner was examined before he was delivered to the dispensary.

Q Was this examination conducted in your presence?

A No.

Q Continue.

A I only heard then that they had died from internal bleeding injuries.

Q And what caused these injuries?

A In most cases it was probably kidney things.

Q I mean what caused the injuries?

A Foot kicks. Also over exertion.

Q Now, did you say these four died as a result of these injuries?

A Yes. I maintain that, and the doctors confirmed this as well.

Q Now, you testified that one was kicked in the head; by whom, you don't know. Were you told by whom the other three were injured?

A That I don't know as well.

Q Were you told by whom?

A I asked them, but they couldn't tell me, because a sport like that takes place at an ape-like speed.

Q [illegible] was the neutrality of [illegible] was for him?

A They are three miles out [illegible]

Q Bob, on [illegible] there [illegible] and "Chan-ga-ga-ga", [illegible] are all four of them [illegible]?

A [illegible] conversation of teenagers.

Q Okay, what else can you tell me [illegible]

A In order to describe [illegible], I don't know [illegible] the Correct [illegible].

Q Well, and one more [illegible] you can think of and what you mean by it.

A Irish-man, and a person who [illegible].

Q Why?

A [illegible] people who are [illegible], no [illegible] and prisoners who were [illegible] homosexuals by homosexual excesses.

Q Now, you said [illegible] yourself [illegible]?

A [illegible], as a matter of fact.

Q There [illegible]

A There [illegible]

Q What would do that?

A [illegible], Bobbie, Wow, whatever was there.

Q There would be [illegible]

A [illegible]

Q [illegible] of the body?

A [illegible]

(Continued...)

Q How many times have you seen him strike any particular prisoner?

A Such questions--whenever he was in touch with any kind of a prisoner who had done something, whatever it might have been, he beat. He beat every day. He beat all the time.

Q That wasn't my question. How often would he strike a man or a prisoner. For instance, if he saw you and beat you, how often would he beat you? How many times would he strike you?

A That is very difficult to answer--perhaps as long as he was still mad.

Q Well, have you in mind any particular prisoner whom you saw beaten--can you think of some particular case?

A That he hit any certain prisoners, I don't know, because he beat indiscriminately.

Q Can you visualize one particular beating that you saw?

A I only know that during sports he bawled out in the most vulgar and common language us, so that one could know that in his civilian life he must have been a member of the underworld.

Q What was the effect of these beatings on the prisoners?

A What one usually has as a result of beatings--pains, wounds. I have never seen that Drinkmann beat anybody to death. I know, however, that he is responsible for the death of 26 prisoners.

Q Where did this take place? If this was on the transport, say it.

A Well, we were being evacuated from Dora.

Q Did Drinkmann ever work in the tunnel?

A He didn't work there, but he was very often the officer of the day as they were called. He misused prisoners in such a way that he gave them alcohol. With this alcohol the prisoners went to other certain prisoners like in the kitchen or in the dispensary in order to get something from them in order to get something out of them.

Q Go ahead, please.

A The result of one of these attempts, as much as I can remember, was that the capo of the canteen was sent to the bunker. The capo is here personally, and can perhaps state in more detail what happened there.

Q Now, you were testifying before about the system whereby prisoners were reported by capos and by other people?

A Yes.

Q Do you know whether or not--or can you name some of the people who made these reports?

A The names of the individual capos are not all known to me, only one certain Paul Bevins can be mentioned.

Q Yes. Well, Herr Drung, do you recall stating some time ago not before the court a story which had to do with some Russians, I believe--do you have such a story in mind?

A I don't know in which form--in what manner.

Q The story which had to do with some Russian prisoners who heated their food in an electric dipper of some kind?

A Yes.

Q Will you tell that incident to the court?

A When we were still living in the tunnel, the food mostly came down cold. In order to heat up this food, the prisoners, as far as they were experts, made an electrical cooker and electrical dippers. In my block down in the tunnel, Number 9D, several Russians did the same.

Q What did they use it for?

A They cooked their food, or rather they warmed it up. On this day Brinkmann had the inspection in the tunnel. Through some chance, through some coincidence, he happened to arrive there where the Russians were warming up their food. Thereupon they were reported and were hanged. This cooker did not belong to the Russians, they had only borrowed it. The ownership of cookers and dippers was punishable by death.

Q Who reported these two missions?

A As Brinkmann was the one who sought them, I had to presume that it was Brinkmann.

Q Can you tell the court anything else about Brinkmann?

A I believe that I have given a sufficient description of Brinkmann, and have described him to this court so that they can make a picture of the meanness and the type of person that Brinkmann was.

Q Now, could you tell the court something about Brinkmann in connection with the roll call?

A Brinkmann was one of the most powerful men in the camp. I always had the impression that what he wanted was the thing that happened in the camp because the camp leader, Loser, was in general quiet, so whatever Brinkmann ordered was the thing that was done. I cannot say that the roll calls of Brinkmann were dragged out to any particular length.

Q All right, let's pass on to the next one. Do you recognize Buchring?

A Number 4.

Q Now, you have already testified about Buchring in connection with hangings and with shootings in the back of the neck. Can you tell the court anything, in addition to that about Buchring?

A Yes. Buchring developed a particular nose for finding those prisoners who were being searched for by the security service. He also offered himself or served the purpose of finding these people who were supposed to be hanged. He always had two or three protective custody camp slaves with him.

DR. ARNOLD: Objection against the interpretation. The witness spoke about the camp protection, and interpreter translated "protective custody camp".

PRESIDENT: Should a correction be made?

INTERPRETER: I am not certain, sir. May I ask the witness?

THE MARSHAL: He was the camp from the camp protection.

DR. SEIDL: Is the record straight on that?

MARSHAL: Yes.

QUESTION BY DR. SEIDL:

Q He was this camp?

A The camp of the protection was called Dora Mitte.

Q Continue, please.

A These two went from block to block. They went to the orderly rooms. They snooped into the card index files, and they snooped around so long until they found that one who they were looking for. I personally had various Russians who they were looking for. I stuck them into other details or put them on room duty, but nevertheless, I had to see how those people were hanging on the gallows within one or two days.

Q Who found them?

A Buehrin together with the camp of the camp protection.

PRESIDENT: The court will recess until 9 o'clock tomorrow morning.

(Thereupon at 1650 hours the court adjourned until 0900 hours, 15 August 1947.)

* * * *

MILITARY GOVERNMENT COURT

CASE RECORD

Page 6.7.-550

CASE NO. 000-50-7

PROSECUTOR Lt. Col. [illegible] Berman

DEFENSE COUNSEL Major L. Coullada

INTERMEDIATE MILITARY COURT
GENERAL

INTERPRETERS Nelly Singer
~~Simon Weisglass~~
Gloria M. Spears
~~Mary T. Williams~~
Peter L. DiCubti
~~Eunice L. Hasdorff~~
Mabel D. Holt

PLACE Dachau, Germany

DATE 15 August 1947

WITNESSES

BORUCH SEIDEL

ACCUSED ARTHUR KURT ANDRAE et al

ADDRESS _____ SEX _____ AGE _____

	FIRST CHARGE	SECOND CHARGE
PLEAS		
FINDINGS		
PREVIOUS CONVICTIONS		

SENTENCE

IMPRISONMENT (TERM _____
(BEGINNING _____ 194_____

FINE AMOUNT _____
TO BE PAID BEFORE _____ 194_____
FURTHER TERM OF _____ IMPRISONMENT

CHARGE SHEET AND RECORD OF TESTIMONY ARE ANNEXED HERETO.

_____
SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY _____

_____

_____
SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

RECORD OF TESTIMONY

In trial of

THE UNITED STATES Versus ARTHUR KUT ANDLAE et al

by

GENERAL MILITARY GOVERNMENT COURT

tried at

DACHAU, GERMANY BEGINNING 7 August 1947

13 AUGUST 1947 PAGES 479-549

TESTIMONY

WITNESSES	Direct	Cross	Redirect	Recross	Court
BORUCH SPIDEL	479	531			

EXHIBITS

NO.	DESCRIPTION	MARKED	RECEIVED IN EVIDENCE
P-25	Report of Investigation	510	512
P-26A	through P-26T, Photos	512	513
P-26U	Certificate of Photographer	515	515
P-27	Certificate of Photographer	515	515

Dachau, Germany

15 August 1947

(Thereupon the court reconvened at 0900 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: For the record it will be noted that all members of the court are present, the prosecution and the defense are represented by counsel, all of the accused are present, the reporter and the interpreter are present.

At the last session the witness Brung was still on the stand under direct examination. May it please the court, the prosecution would like to withdraw the witness Brung at this time, temporarily, and put on the stand another witness who is under great pressure to leave Dachau. He came here from a legalized journey to Palestine and at the request of the prosecution, and of course he is very anxious, naturally, to rejoin it. I have spoken to Major Faulkner and the defense has no objection.

DEFENSE COUNSEL: We have no objection, under the conditions of emergency which the prosecution has outlined, to withdrawing the witness Brung and substituting in his place the new witness for the prosecution.

PRESIDENT: Permission is given to withdraw the witness Brung at this time.

PROSECUTION: The new witness will testify in Polish. Prosecution calls Boruch Seidel.

BORUCH SEIDEL, called as a witness by the prosecution, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q What is your full name?

A Boruch Seidel.

Q And where do you live?

(Seidel - direct)

A Aschbach, near mberg.

Q How old are you?

A Twenty years. I will be 21 in December.

Q What is your occupation?

A I am studying agriculture now.

Q Haveyou ever been in a concentration camp?

A Yes.

Q When were you first in a concentration camp?

A In 1940.

And you were how old at that time?

A Fourteen. Fourteen and a half.

Q What concentration camps have you been in?

A I was in several; about twelve concentration camps.

Q Were you ever in ora or any of the outcamps of Dora?

A Yes.

Q When did you first come to Dora, or one of the outcamps?

A I came to Dora in January 1945.

PRESIDENT: Will you ask the witness to speak louder, loud enough for the court to hear him?

Q How long were you in Dora?

A About twenty days.

Q And where did you go from Dora itself?

A I came to Rottleberode.

Q And when did you leave Rottleberode?

A In April 1945, during the evacuation.

During your stay in Dora and in Rottleberode did you become acquainted with some of the people who were in charge of the camp?

A Yes.

Will you look around the courtroom and point out to the court any persons who may be in the room, whom you met at ora or Rottleberode?

A Yes.

Q Will you please look around the room and if you see anybody whom you met at Dora or Mittelberode, point them out to the court?

(The witness approached the accused in the dock.)

A No. 2.

Q What is his name?

A Braunv.

PROSECUTION: Let the record indicate that the witness has recognized the accused Braunv as wearing placard No. 2.

A The commander of our camp.

PROSECUTION: And the witness has added, further, that Braunv was the commander of his camp.

A No. 17, the clerk of our camp.

Q What was his name?

A Walter Ulbricht.

PROSECUTION: Let the record indicate that the witness has identified the accused Ulbrecht, wearing placard No. 17. Any other?

A No. 12. The doctor. His name is Haischein.

PROSECUTION: Let the record indicate that the witness has identified the accused Haischein wearing placard No. 12.

A I know one other. No. 14. I saw him once in the camp Dora.

Q Do you know his name?

A Yes. I remember his name but I can't pronounce it.

Q Pronounce it as best you can.

A It begins with K-a-m, but I can't pronounce the rest.

PROSECUTION: Return to the witness stand. Do you know what the duties were of this man wearing placard No. 14, whom you say you saw before?

A I couldn't tell what his duties were, but the only thing I know is that he once visited our tunnel.

Now will you tell the court what you know about Braun? What you have seen him do, what his duties were, everything you can tell the court about Braun?

A I know that Braun was the commander of the camp Rottleberode. I know that whatever happened in this camp, happened by his orders. The first night we came to Rottleberode there was immediately a rollcall, beating, and we didn't get anything to eat during the whole day.

Q Who did the beating?

A The commander, assisted by the capos and the clerk too.

Q What was the name of the clerk?

A Walter Ulbricht.

Q And the name of the commander, who did the beating?

A Braun.

What did the two of them use to beat with?

A They beat with whatever they could lay their hands on, with clubs, sticks and so on. I was beaten with a stick which was a part of a chair.

Q Where were you beat?

A I was hit on the head and I don't know what happened afterwards with me.

Q Who hit you?

A I can't tell that because it was dark and everyone beat, so I couldn't distinguish the man who beat me.

Q All right, continue with your story about Braun.

A The transport I mentioned, the one which came from Nora to Rottleberode, consisted of 450 Jews. We arrived there at three o'clock a. m., and we were taken to work during noon meal time.

Where were you taken to work?

A To a tunnel, work Stamped.

Do youknow the name of the town where these tunnels were"

There was a village, the name was Stampeda, and the work on the tunnels was started there.

Q All right; continue.

A We had to get up at 3:30 or 4:00 o'clock in the morning. We got a piece of bread and then we had to walk to these tunnels in Stampeda. We had to work there for 13 or 14 hours every day. Freuny and an S. No! Lange came to these tunnels, they looked for Jews and beat them up. Both of them were drunk at the time.

Q What would they use to beat with and where would they beat?

A They had weapons, besides they had clubs and when the inmates passed them by they asked them if they were Jews. If they said "yes", they hit them with this club.

Q Where did they hit them?

A All over the body, on the head and wherever they could hit the inmate and they beat so long that they couldn't move any more.

Q Now you said that 450 Jews came to Rottleberode in the beginning of January 1945. How many of them were alive at the time of the evacuation from Rottleberode?

A I couldn't tell that exactly, because I didn't count them, but I know that every day five to ten of them were killed.

Q How were they killed?

A By orders of the camp commander, the capos put Jews into water when there was a temperature below zero centigrade, and when he was frozen they took him out of the water and beat him with clubs until he was dead.

Q Who put these people into this cold water?

A There were special men, capos and foremen. All of them inmates.

Q Did you see any of this yourself?

A Yes.

Q How many people, prisoners, did you see kept in this cold

(Seidel - direct)

water, as you have just described it?

A I saw every day four or five. That was when I worked in the tunnel.

Q No, I am not asking you how many were killed every day, or died every day, I am asking you how many people did you see were put into this cold water and then beat to death?

A It must have been more than a hundred or a hundred and fifty, but I can't tell the exact number.

pld-68-1

Q You said before that Braumy, the camp commander, was responsible for all these killings. Upon what do you base that statement?

A I heard from two capos who worked with our detail. One was Hermann who was a gypsy and Walter. They were ordered to kill the people and they were ordered by Braumy.

Q At the time these killings took place were there any SS personnel around there?

A There was always an SS NCO on duty. Besides there were two other SS NCOs at Stampede and they saw everything that happened in the camp.

Q These killings by the cold water and beatings where did they take place?

A I carried every day myself dead bodies from Stampede to Rottleberode.

Q Where did you bring them at Rottleberode?

OBERLANDER: I believe the translation was incorrect. I believe he said that it was "they were carried from the construction site in Stampede to Rottleberode."

PROSECUTION: My questions is, "Were these people---"

PRESIDENT: What did you say? (Addressing interpreter.)

INTERPRETER: I brought the bodies from Stampede to Rottleberode.

PRESIDENT: Continue.

QUESTIONS BY THE PROSECUTION:

Q My question is this: These people who were stuck in the cold water and then beaten to death, where, exactly did this take place, in the camp or outside the camp?

A In Stampede near the barracks.

Q Is that inside the Lager Rottleberode or outside the Lager Rottleberode?

(Boruch-direct)

A It was three and a half kilometers from Rottleberode.

Q How far was it from the place you worked?

A About 20 meters.

Q Would these killings take place on the way to work, during work, or on the way back from work?

A I have to tell how it happened.

Q I am talking now only about the drownings and afterwards the beating to death.

A During the morning roll call they picked up people who looked better somehow, more intelligent people, do. They kept them at the roll call square and declared them sick.

That is not correct that way. I said that those intelligent people and the sick were kept on the roll call square as sick, and that was called the wood detail.

Q Why?

A Because that was a detail which was to be killed--about 40 or 50 people.

Q What happened after they were kept back on the roll call square.

THE WITNESS: I am mixed up in three languages and maybe I will tell it in German so everybody will understand it.

MR. SCHULTE: If you can speak German good enough I am sure the court has no objection.

(Thereupon the witness continued his testimony in the German language.)

A Every day in the morning when we arrived at Stampeda they picked out people who could not work so well any longer, and I, personally being ill already, was afraid every day that I shouldn't get into this detail. Then every day from this detail which they called "H is Kommando", and every day they picked out people out of this detail and they made a concert of it and the SS stuck them into the cold water and the SS was standing around and saw this.

Then they were killed. They were taken to the barracks and killed. Then they took them out of the water and they took them to the barracks in Stampeda where the people were living and there they beat them to death. Then when we came back in the evening from work we had to pick up all these dead people and carry them back to Rottleberode.

Q What did you do with them in Rottleberode?

A We always came back at night after not having had anything to eat at noon and didn't have anything to eat all day.

Q Please, I asked what happened to the dead bodies when you brought them to Rottleberode?

A When we came in the evening there were trucks, iron trucks standing there and the bodies were on these trucks on the roll call field and we took these bodies and put them into the cool room. There was some kind of a cool room there and that is where we took the bodies.

Q Did people in Rottleberode die from any other reasons than this cold water treatment and beatings?

A Yes, many.

Q In what other ways?

A Toward the end when we arrived they overfilled the barracks with people and they put the ill and the healthy together. I was lying alone in a bed and perhaps one meter away from me there were people who had typhus and then finally we had a great epidemic and many people also died because they had dysentery.

Q What caused the dysentery?

A The reason was the bad food. The whole day they didn't get anything to eat and if somebody found some peelings from the potatoes and the dirt that they ate there, this is the thing that caused the dysentery.

Q Did the people there die from any other reason?

A Yes.

(Boruch-direct)

pld-63-4

Q What other reason?

A There were many things of which the people died in Stampede. Many of them were tubercular and they shouldn't have worked, but they had to work in the tunnels and they died there.

Q You said they had to work! Who made them work? Who made these tubercular people work in the tunnels?

A If one of our comrades went to the doctor and requested light work the doctor threw him out and said that for Jews there was no light work or no such thing as light work.

Q Who was this doctor?

A There were several doctors there. I believe there were four, but the orders, they said, all came from the SS Doctor and I personally had over 39 degrees temperature and had to go to work without shoes.

Q Who made you do that?

A I went to the camp administrator of Hottleberode. I went to him and told him that I was sick and didn't have any shoes. I received a beating and had to go out to work.

Q Who was that?

A That was the camp commander Hubert. He was also a prisoner, and another prisoner the clerk Walter Ulbricht.

Q What did Ulbricht have to do with it?

A Ulbricht took roll call every morning and counted the people and he was in charge of everything, the various magazines. Everything was under supervision.

Q What is the magasine?

A Clothing, shoes and everything that is wearing apparel.

Q Who was this SS Doctor who said the Jews had to work an there was no such thing as light work for Jews?

(Boruch-direct)

A It was Doctor Maischein.

Q Did you personally hear Maischein say that or were you just told?

A I personally never heard that. There was another doctor, a Frenchman. He was a good doctor and he said it didn't come from him. But he said that he received the orders from the SS. There was another doctor, an American colored man. This Doctor, when one of us came in he only asked "What are you?" and when he said, "A Jew.", he slapped us. He is the colored man. He doesn't live anymore.

Q You called Maischein a Doctor. What made you think he was a doctor?

A Because the SS had their own people in every section, so there was also an SS Doctor.

Q Now, Mr. Seidel, before you said that there were a large number of Jews who were killed and you gave one example of how they were killed. This business of putting them in water and them beating them to death. I don't want to talk about people who died from disease, but just about people who were killed.

A Yes.

Q Were people at Rottleberode killed by any other method in addition to the one of dipping them in the cold water and then beating them to death?

A Yes. In these details in which we worked they had various names. For instance, Kaeser, Wunschen, Schimshagen, and there were many others, and these were firms and everyone of these firms received their workers in the morning.

Q How were the people killed? That is what I want to know.

A I wanted to relate that now. I wanted to tell everything the way it happened. Then these people went to work. Every firm had their Schachtmeister. That is how they were called. He was actually a tunnel foreman and every one of these foremen had their people who they beat all the time. One of my comrades who I knew from home was beat up by one of these prisoners and he died in the camp.

Q Were people killed in any other way?

A Perhaps on the other details, but on the detail on which I was working only this killing took place of which I have told you.

Q Did all these killings take place outside the camp or did some of them take place inside the camp?

A In the camp.

Q Now tell the court how these people were killedin the camp?

A All the things that I have told here are cases which I have personally seen and I say that every day starting at 5 o'clock I went to Mauthausen and 7 o'clock at night we arrived back there.

PRESIDENT: The court will recess for 20 minutes.

(Thereupon at 1000 hours the court recessed.)

(Thereupon the court reconvened at 1:20 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: For the record may it be shown that all the members of the court are present; the prosecution and defense are represented by counsel; all the accused are present, the interpreter and reporter are present. At the end of the last session the witness, Seidel, was on direct examination.

PRESIDENT: The witness is reminded that he is still under oath.

PROSECUTION: For the record, may it please the court, during the recess Prosecution's Exhibit 21 A was blown off the easel and torn. It has been sent from the room without asking the court's permission, I am sorry to say, for repair.

DEFENSE COUNSEL: The prosecution was more tender with the feelings of the defense and they did ask the permission of the defense which was granted most willingly.

PRESIDENT: It will be noted. The prosecution will proceed.

BORUCH SEIDEL, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, testified further through an interpreter as follows:

DIRECT EXAMINATION (CONT'D)

QUESTIONS BY PROSECUTION:

Q During the last session you told the court that from the time you came from Nottleberode from the beginning of January until you left at the evacuation, practically every day some prisoner in that camp was killed. Do you remember saying that?

A Yes.

among them were also the commandant, Fraumy, and the clerk, Walter Ulbricht.

(Whereupon the court reconvened at 1320 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: For the record may it be shown that all the members of the court are present; the prosecution and defense are represented by counsel; all the accused are present, the interpreter and reporter are present. At the end of the last session the witness, Seidel, was on direct examination.

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A Yes.

Q And do you remember being asked by me to tell the court in what ways these prisoners were killed?

A Yes.

Q And one of these ways you described was this procedure of dipping a prisoner into hot water or cold water and then beating him to death.

A Yes.

Q I now ask you to tell the court in what other ways if any, prisoners were killed. Prisoners that belonged to Rottleberode.

A I can also tell you that the people died on account of having to get up very early in the morning and working hard all day long and on account of that they got sick.

Q And what other ways?

A And also on account of not enough food, no shoes.

Q What other ways?

A And the sicknesses got worse and worse and on account of that the people died.

Q Were they killed in any other ways?

A Many people who were sick received injections.

Q Any other ways?

A There were also other ways of killing them, but these were the ways in our camp.

You told the court that there was a great deal of beating going on. What happened to the prisoners at Rottleberode who were beaten?

A The capos and the SS used to beat the people and among them were also the commandant, Braumy, and the clerk, Walter Ulbricht.

Ta 64 Nordhausen
8/18/47 mtw-3

Q My question was: What happened to these people who were beaten?

A Many of them lived a few days and died then.

Q Can you think of any other occasions in which people were killed at Rottleberode?

A As far as I know I told you everything.

Q You told the court that you were at Dora a while before you came to Rottleberode.

A Yes.

Q Was the food at Rottleberode any better or any worse or was it just the same as it was at Dora?

A It was very bad in Dora and it was worse in Rottleberode.

Q In what respect was it worse at Rottleberode?

A There was less of it and in the evening when we went there for soup they would look us over especially and would see others there and wouldn't give us the full amount of soup and besides it wasn't soup, it was water.

Q Why wouldn't they give you the full amount?

A We didn't get the full amount of soup because when we lined up for soup there were some people standing there, the capo and schreiber, the clerk, who was beating us all day long.

Q Who was the clerk?

A Walter Ehrlicht.

Q Was the food at Rottleberode worse for any other reasons than the ones you have already mentioned?

A Yes.

Q In what other ways was it worse in addition to the ones you have named?

Goldsmith direct

A We were always told, and it actually happened this way, that the SS stole everything away from the camp.

Q While you were at Dora you saw what clothing you had and the other prisoners had. Was the amount of clothing that was given to the prisoners at Rottleberode any better or any worse or was it the same that was issued to the prisoners at Dora?

A I received prisoner clothing in Dora and with them I came to Rottleberode and there I ran around in them until I was liberated.

Q Were the sanitary conditions, the opportunities to wash yourself and to wash your clothes any worse in Rottleberode than in Dora or were they about the same, or were they even better in Dora?

A Worse.

Q In what ways?

A I, myself, wore a shirt which I could not exchange during the whole time.

Q Why didn't you wash it?

A Well, when we went to the store room for a shirt we were sure to be beaten.

Q I didn't ask you that. I am asking you why you didn't wash your shirt.

A Because we didn't have another one to change into and it was winter time and we came from work late in the evening and it was dark and we didn't have any time to go outside.

eidel-Direct

Q Tell the court just how you spent each day, just one day, a twenty-four hour period.

A Yes, I will. We used to get up in the morning about 3:30 or four o'clock. Within five minutes everybody had to be downstairs and the beds had to be made up already; then we went downstairs to wash and within several minutes the coffee was standing there already and at that time they issued the bread and after we had eaten that the roll call started.

Q How long would the roll call last?

A Sometimes it lasted for fifteen minutes up to one-half hour; sometimes twenty minutes. At the most half an hour.

Q After the roll call what did you do then?

A We marched out to work.

Q How far did you have to march?

A That was the road from Rottleberode to Stampeda. That was about three to three and a half kilometers.

Q And when you got there to the place of work what happened then?

A Then we were counted again and then we were assigned to work.

Q About what time would you actually start to work?

A At six o'clock.

Q And how long did you work?

A We worked until twelve o'clock because the SS had their noon meal hour and we had to stand there lined up in columns of five and nobody was allowed to step outside and we did not receive anything for the noon meal, and about a quarter to one we went back to work.

Q How long did you work after that.

A Until six in the evening.

Q What happened after six o'clock?

A There was roll call again and then they counted us again for the march back to Rottleberode.

Q How would you get back to Rottleberode?

A On foot every day.

Q What happened after you got back?

A When we came back we were counted again at the gate and then everybody had to line up to get his soup.

Q And after that?

A There were not enough cups or plates so sometimes we had to wait for an hour or one half an hour until every-

body was through eating.

Q About when would you be through eating, on the average?

A Anywhere between half past eight and nine o'clock.

Q What happened after that?

A Sometimes we were allowed to stay up for a few minutes, up to one half hour, and then we went to bed, to sleep.

Q Can you tell the court whether this program you have described applied to all the prisoners or just to a part of them?

A To all of them.

Q You mentioned the subject of beatings before.

A Yes.

Q Is there anything you can add to what you have already said?

A Many times in the middle of the night there was roll call because they stated that somebody had escaped and we had to get out of bed and barefooted we had to out in winter time and we had to stand there for half an hour or an hour or until we were counted for about ten times and then when everybody went back in again they turned off the lights and they were standing with their sticks at the doors and everybody was beaten.

Q How often would these beatings take place in the camp?

A Pretty often.

Q How many days during the month would there be beatings?

A That happened about two or three times a week. I couldn't tell you that exactly.

Q Who did the beatings?

A Those SS men came in with the chief commander, Braumy and with his assistants, his capos and Ulbricht and everybody had a stick in his hand and they were beaten.

Q What happened to the people who were beaten?

A One received more and one received less, and those that had received a pretty good beating had to go to work also and some of them died.

Q From what did they die? The work or the beatings?

A From the beatings.

Q You said something about injections that took place at Rottleberode. Tell the court what you know about the injections.

Ta G4 Nordhausen
6/13/47 mtw-8

A Many people were sick but they did not want to tell it, but we knew everything. We saw it because we slept next to the sick people. We saw how the camp doctor, Maischein acted as a doctor and injections were given out and the people died on account of these injections.

Q How were those injections given?

A They plainly walked over to the bed, and next to me there was a friend of mine sleeping, and they walked over to him and it usually happened at night and they gave him an injection and immediately thereafter if he woke up they told us, "Somebody died here, you will have to carry him outside".

Where was the injection given? What part of the body?

A Nobody looked where these injections were being given.

Did you have any idea?

A No, we didn't see beyond that. We always said he died on account of that.

What was used to make the injections?

A They took a needle, a syringe and gave an injection.

Who did you say made those injections?

A It all came from the SS, from Maischein who was there.

You said something this morning about prisoners, particularly Jews, who went to the hospital for treatment. How they were received.

A Yes.

Will you describe a little bit more in detail just what would take place when these people came to the hospital for treatment?

Seidel-Direct

A Yes, certainly. I can tell you that much. It happened to me, myself. When I went to the door, when I came in there, I hadn't quite reached the door yet, he asked me what I was and I said, "A Jew". Then I was beaten with a stick and I was thrown out.

Q By whom?

A By the doctor who was there then.

Q Now, can you tell the court--you mentioned Maischein's name before and said he was a doctor. Where was his place of duty?

A His office was outside the camp, but he always used to come inside to see what was going on with the prisoners, and many times he was there when the prisoners came in and when they were being beaten and being thrown out.

Q Where was this place that he came to?

A In this same room where we lived.

Q Did you ever see Maischein in the hospital, in the revere?

A Many times.

Q Did you ever hear him say anything or do anything while he was in the revere?

A Many times.

Q Tell the court what you heard him say and what you saw him do in the prisoner hospital.

A The same thing was said and whenever somebody came in there he could see it and everybody was treated alike whether he was a Jew or a Pole or a Russian, and he started right away, "What is wrong? Can't you work? This is not a sanitorium, this is not a rest center. You have to work here. There are plenty of tunnels here to be built."

Q What was the nationality of these people who were killed at Rottleberode?

A Mostly they were Jews and also many Russians were killed and men of other nations also died in various ways.

Q Name the nationalities.

A Yugoslavians, French, Czechs, Belgians, Dutchmen, from all over Europe.

Q Will you tell the court once more, Herr Seidel, who made these injections?

A Yes.

Q Who?

A Maischein.

Q Will you identify him once more for the court?

A Number 12.

Q Later on, Herr Seidel, did you go on an evacuation march from the camp?

A Yes.

Q About when was this?

A That was two days after the Easter days. It was definitely, I think, around the 4th of April.

Q Were you on the transport that left Rottleberode?

A Yes.

Q Will you tell the court just what happened on this transport, and start off by telling the court what food was given to you and the other prisoners just before you left.

A Each one of the prisoners was to receive one bread and one can of meat, but that was in the beginning, and in the end there wasn't enough of it and I was among the later ones and so we received one load of bread for two, also with one can of meat, and this is all they gave us on the road. And

then we went all night long until the next morning. All the food ended. We were waiting because we were divided into three or four groups, and then the others went over a different route by way of Stollumberg and we also went in a different direction, and then we were put into groups, 100 to 110 men in one freight car.

Q Let me interrupt you. This group to which you belonged, how many people were in that group?

A When we marched out there were about 300, 350, or 400. I did not count it exactly. This is the way it looked to me.

Q Who was in charge of the train?

A In charge was then Graumy.

Q How many in each car?

A It was so crowded that nobody could even stand, and we were traveling beginning from the 5th of April day and night and sometimes we passed the same place five times and then we did not receive any more food, and at that time there were many air raids and we always had to travelover a route through woods so that the train would not be bombed. On the fourth day soup was cooked, made out of potatoes with peels and when the soup was finished there was another attack upon us by fighter planes and we had to leave the soup there, and then we continued traveling until we came to Kiesta.

Q How long was it from the time you left Nottleberode until you came to Kiesta?

A We left on the 5th of April and so that must have been around the 8th or April in the evening to the 10th of April.

Seidel-Direct

Q During that entire period were you and the other people in your car able to sit down or lie down?

A Not at all.

Q Continue. What happened at Wiesto.

A When we came to Wiesto we didn't know what was going to be there. We only heard that airplane attacks were frequent and that the front lines weren't too far and commandant Brauny always drove away and returned again. And then all of a sudden, that was on the 11th, on a Wednesday, there was also an air raid alarm. Everyone had to get off the train. All of those that could not walk and were weak had to remain in the cars. Everyone received three or four raw potatoes and all those that were able to walk marched off.

Q What happened to those who couldn't walk off?

A They walked up and down the rows and checked everyone and even came to me and said, "You can't march, you stay here", because everyone looked sort of sick from not eating and not washing, and then we had marched away already and had gone for a distance of several hundred meters and one column of the SS guard personnel remained and they shot them all because afterwards, four days afterwards, I traveled over the route again and I know they had been shot because I saw the corpses, and then we marched the whole day until late at night, and the transport leader, Brauny was with us. He rode along with us and we marched over fields and through woods until we came about ten kilometers from Gardelegen. Then a Lieutenant came who drove a car and he asked the people, that is the Lieutenant, and the Lieutenant said that we could not go any longer in this

direction because the Americans are nearby, and so we remained sitting there on a meadow and while we were sitting there it was about half past ten or 11 in the evening. It was a very dark night and we were sitting there for about an hour or so, and other transports came from the direction of Dora and Ellrich. So one of the SS saw that prisoners were here and told the transport to stop and see what was going on here, and they arranged it that also the prisoners from Dora and Ellrich were also supposed to go in this meadow and sit down; and many of these people got away because it was dark. I, myself, together with five others, that means five comrades of mine, got away also. That was Wednesday evening, and then we were caught by the Volksturm, the people's army, and they were hanging around all over and they turned us over to the mayor and they kept us for the 12th and the 13th, and then on a Friday, two men from the AA artillery came and the air force and they also caughtmany other columns of these people that had escaped in the woods. There were approximately 80 to 100 men and they took us and marched us in the direction of Gardelegen. When we came there we saw that they were bringing in people from all directions because they were being looked for by everybody from the Hitler Youth, from the Volksturm, the people's army, and everybody had hand grenades or whatever you call it, and when we came there we all were supposed to sit down. That was a few hundred meters away from the town. And there also were various camps of the SS and the Air force who had an air field there, and so we went over up to a distance of 100 to

Seidel-direct

150 meters away from the barn and next to this barn on the other side of this barn, there was a wood about 30 to 50 meters away. That was approximately ar und six o'clock. It turned night already about seven o'clock, and by seven o'clock about two thousand people had been gathered and they saw how among the people some of them started to run away because they were not allowed to make any light. There was just an air raid going on, and at that time all the noise had started, all the shooting was going on. I succeeded to get four of these, two Russians, one Pole, and one Jew to run away into the woods, and when we got to the woods we heard how all the people received the order to go inside the barn and as soon as they had all of a sudden you could hear the noise from hand grenades.

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Q. Just a second, please. This group with whom you started from Rottleberode -- were they among the people who went into the barn?

A Yes.

Q When had you last seen Tenny at that time?

A He was still travelling around on Friday, and also Tetly was there -- Master Sergeant Tetly.

Q All right. Tell the court what happened to the people there inside the barn.

A And as soon as it started to burn, because there was straw in the barn and also there were -- in a barn there are many holes for air to come in; and yelling of the people was so big; and it lasted for hours; and then those people that were still alive started to escape; and then they were shooting into the barn with machineguns. And all those that had started to escape we found shot around the barn. That whole thing could have lasted until 2 or 3 o'clock in the morning. I don't know for sure how long it lasted, but soon thereafter it started to begin to get light.

PROSECUTION: Excuse me. I have a long distance call. Captain McCarry will take over.

A (continued) And then we withdrew further into the woods, and by then it was already Saturday, and we heard by then already how the Americans were attacking the town of Gardelegen and the AA guns and other rifles or cannons were firing over our heads; and this lasted until noon; and then the Americans came to us. And then we went back to the barn; and when we came back to the barn the people in there were still burning. So the Americans put up -- fenced off the area so nobody could come close to it; and they apprehended -- took over the Nazis and mayors and Hitler Youths and they took them out and they showed them what they had done there, until the pictures were taken. I myself was one of the first prisoners that had

survived; and nearby there was a camp of Polish prisoners of war. And they started to throw down the people -- maybe some of them were still alive -- but none of them was alive any more; and all of the people from the town there and the SS people were taken in order to dig the ditches, or graves; and it took several days until all the people had been buried. This is all that I can say.

QUESTIONS BY CAPTAIN McGARRY:

Q Mr. Seidel, if you saw a picture of that barn, would you be able to recognize it?

A Yes.

CAPTAIN McGARRY: The prosecution would like to have marked for identification Exhibit P-25 for identification and another picture, P-26 for identification, which purport to be pictures of the barn at Gardelegen.

(The pictures referred to were marked Prosecution's Exhibits P-25 and P-26 for identification.)

Q I show you a picture marked Prosecution's Exhibit P-25 for identification and ask you if you recognize it.

A I remember exactly that I recall this barn.

Q Is that the same barn which you have testified that the people in the transport were put in and shot to death?

A Yes, I believe that was a barn built out of bricks.

Q I ask the witness to look at that picture again.

A Yes. Yes, because the bricks are remaining and I believe they are still standing today. The wood burned out and the bricks remained because after the liberation I remained in Gardelegen for four months. Yes, I know the barn.

Q Is that the barn?

A Yes.

CAPTAIN McCarry: The prosecution offers the exhibit which was marked for identification P-25 in evidence and asks that it be marked Prosecution's Exhibit P-25.

DEFENSE COUNSEL: The defense has some objections as to the introduction of that exhibit on the grounds that no proper foundation has been laid to show when or where those pictures were taken or whether they represent the barn before or after this incident, or any sufficient identification to determine that those exhibits would be admissible in evidence in this case. Furthermore, before a picture of that kind can be properly authenticated the witness who took the picture should be present on the stand and state when, where, and under what conditions the pictures were taken.

CAPTAIN McCARRY: If the court please, I had intended to have the barn identified by the witness and offer in evidence several of the pictures and the certificate showing they were taken by the photographer; at that time I will offer the whole group of exhibits in evidence and the certificate, which is a certified true copy of certificate made by the photographer.

I would like to withdraw the two pictures which I have had marked for identification and re-introduce them under this certificate.

I ask that the certificate be marked for identification as Prosecution's Exhibit P-25.

(The certificate referred to was marked Prosecution's Exhibit P-25 for identification.)

CAPTAIN McCARRY: This statement is a statement of Pfc. Larry R. Carey.

DEFENSE COUNSEL: If the court please, just a moment. Are you introducing this into evidence now? I want to see it if you are introducing it in evidence.

(Thereupon the certificated was handed to the defense counsel.)

DEFENSE COUNSEL: I am going to object to the introduction of this certificate, if the court please, on the basis that there is nothing to correlate this certificate with the pictures which are proposed to be introduced in evidence, nor to show that these particular pictures are the ones to which this certificate refers.

PROSECUTION: There are numbers on each of these pictures referred to in the certificate, may it please the court, and the certificate itself gives the name of this particular barn around which these pictures were taken. The witness has already identified one picture showing the barn as the barn where all these things happened; and as a result of the two things combined, we believe they make all the pictures admissible.

DEFENSE COUNSEL: It is my opinion that, before the court can pass upon my objection, it will be necessary to read the certificate, and then the court will know what I object to. Otherwise, it will be impossible to do that.

PROSECUTION: It could be submitted to the law member without having it read into the record. I have no objection to doing it that way.

PRESIDENT: The prosecutor will read the certificate.

(Whereupon Captain McCarry read the certificate marked Prosecution's Exhibit P-25 for identification.)

PRESIDENT: The objection of the defense is overruled. Prosecution's Exhibit P-25 will be admitted to the record for such probative value as the court may see fit to give it.

(The certificate heretofore marked Prosecution's Exhibit P-25 for identification was received in evidence as Prosecution's Exhibit P-25, is attached hereto, and made a part of the record.)

CAPTAIN McCARRY: At this time the prosecution would like to introduce also those photographs.

(Whereupon 9 photographs were marked Prosecution's Exhibits P-25-A thru P-25-I, respectively and inclusively, for identification.)

CAPTAIN McCARRY: In conjunction with Prosecution's Exhibit P-25 I would like to offer at this time into evidence a series of photos which have been marked for identification Prosecution's Exhibit P-25-A through and including P-25-I, which exhibits are those referred to in Prosecution's Exhibit P-25.

DEFENSE COUNSEL: If the court please, the court has already ruled that this certificate P-25 will be admitted into evidence. I don't want to be contentious in this case; however, we feel that for purposes of the record -- we want to enter a formal objection at this time to the admission of the certificate and the exhibits to which it refers on the grounds that the exhibits are not properly authenticated; that the individual who took the pictures and whose certificate is offered in evidence is not present in court, has not identified the pictures himself, and there has been no showing on the part of the prosecution that the witness is or is not available, nor that any effort has been made to bring the witness into court.

PRESIDENT: The court has already admitted Prosecution's Exhibit P-25. The objection of the defense is overruled and Prosecution's Exhibits P-25-A to P-25-I, inclusive, will be admitted to the record for such probative value as the court may see fit to give them.

(The photographs heretofore marked Prosecution's Exhibits P-25-A thru P-25-I, inclusive, for identification were received in evidence as Prosecution's Exhibits P-25-A thru P-25-I, inclusive, are attached hereto, and made a part of the record.)

(SIDEBAR treat)

DEFENSE COUNSEL: If it please the court, with reference to exhibits 1-250 through 1-251, I want to voice a further objection, that they have not been identified by any witness or at least "A" and "B" have been identified by the witness on the stand, but "C" to "I" have not been identified by any witness.

PRESIDENT: The court is in the position of having to change its ruling. Prosecution Exhibits 1-250 through 1-251 will not be admitted into the record until further identified.

PROSECUTION: The prosecution at this time requests permission to withdraw all its exhibits 25 and subdivisions of 25 for the time being.

PRESIDENT: Permission is granted to withdraw Prosecution Exhibit 25 and the supplementary ones thereto.

PROSECUTION: I hand the reporter a document and request that it be marked Prosecution Exhibit 25 for identification.

(The document referred to was marked Prosecution Exhibit 25 for identification.)

PROSECUTION: The prosecution now offers into evidence a report of investigation made by Lieutenant Colonel Cruise which has previously been marked Prosecution Exhibit 25 for identification, which includes a copy of the order appointing Colonel Cruise as the investigating officer to investigate the Gardelegen affair.

DEFENSE COUNSEL: If it please the court, before the court rules on the admissibility of that, may I request that the defense have an occasion to read it during the noon recess?

PRESIDENT: The ruling of the court will be postponed until after the noon recess.

PROSECUTION: Well, the purpose of introducing this report of investigation, which is definitely admissible on the rules, may it please the court, is the fact that it contains within it a reference to these photographs by numbers, and it also contains descriptive material of what

each photograph is supposed to be, and it is introduced to form a foundation of these photographs, and the report of investigation by the duly appointed investigating officer is admissible on its face without questioning it in this trial.

DEFENSE COUNSEL: I feel quite confident that after the defense has read this proffered exhibit he will have no objections to it being introduced into evidence. However, my objection will stand that unless these pictures are identified by some witness in this court they will not be admissible.

PROSECUTION: I suggest that we be allowed to go ahead to save time and so that this witness may go ahead, whereas, if we don't go ahead we will just waste this time.

DEFENSE COUNSEL: The court has already ruled that any pictures that can be identified by the witness will be admissible, so there is no reason why we should be held up.

PRESIDENT: The court will recess until 1330.

(Whereupon at 1145 hours the court recessed until 1330 hours.)

* * *

AFTERNOON SESSION

(The court reconvened at 1330 hours.)

PRESIDENT: Court will come to order.

CAPT. McGARRY: Let the record show that all members of the court are present, the prosecution is represented by counsel, all of the accused are present and represented by counsel, the interpreter and the reporter are present and the witness Seidel is still on direct examination.

BORUCH SEIDEL, called as a witness by the prosecution, resumed the stand and having been previously sworn, testified further through an interpreter as follows:

PRESIDENT: The witness is reminded he is still under oath.

WITNESS: Yes.

DIRECT EXAMINATION (continued)

QUESTIONS BY CAPT. McGARRY:

CAPT. McGARRY: At the close of the last session the prosecution had offered into evidence exhibit P-25, said exhibit being a report of an investigation team. At that time the defense counsel had objected to the admission of said exhibit.

DEFENSE COUNSEL: The defense objection, as the court will undoubtedly recall, is based upon the fact that up to that time the defense had not had opportunity to read the exhibit. During the noon recess we examined the exhibit and we have no objection to it being admitted into evidence.

PRESIDENT: Prosecution Exhibit No. 25 will be admitted to the record for such probative value as the court may see fit to give it.

(The document heretofore marked Prosecution Exhibit No. 25 for identification, was received in evidence as Prosecution Exhibit No. 25, is attached hereto, and made a part of the record.)

PROSECUTION: This exhibit, P-25, is only being offered for identification of the photographs to which it refers.

DEFENSE COUNSEL: If the court please, we will object, then to the introduction of the exhibit. A document which is introduced in evidence should be introduced as a whole and not only one of its parts.

PRESIDENT: All of Prosecution Exhibit No. 25 has been admitted.

PROSECUTION: Does the court require that the entire document be read into evidence?

PRESIDENT: No.

DEFENSE COUNSEL: If the court please, the report of the investigation contains background matter of very great importance to the proper understanding of the Gardelegan incident, which prosecution has brought into the case and we request that the exhibit be read in its totality, at least as far as its descriptive portions are concerned, at this time.

PRESIDENT: The prosecution may read from Exhibit 25 any parts that he wishes and, in his turn, the defense may read any other parts.

PROSECUTION: The report is dated 23 May 1945. Subject: Report of investigation of massacre of political prisoners at Gardelegan, Germany. To Commanding General, U.S. Army, I Authority. 1. This investigation was conducted in conformity with letter, Headquarters ETOUSA, File No. 000.5 (Op. JA). Subject: Establishment of War Crimes Branches, dated 24 February 1945, and pursuant to directive of Commanding General, Ninth U. S. Army, copy of which is attached as Exhibit 1."

(Consultation between court and counsel off the record.)

PRESIDENT: Prosecution will proceed.

PROSECUTION: Yes, sir. There is a list of exhibits attached to this Exhibit 25 and among them are those which I intended to introduce now. I am not reading from the report:

"Photo of barn, south side, which is Exhibit No. 155.

"Photo of barn, close up south side, Exhibit 156.

" Photo of barn, north side, showing grave, Exhibit 157.

"Photo of barn, inside showing south wall, exhibit 158.

"Photo of machine gun pit with empty cases, exhibit 159.

"Photo of barn, west side showing bodies, exhibit 160.

"Photo of barn, southeast door showing bodies, exhibit 161.

"Photo of barn, close up of body shown in 161, exhibit 162.

"Photo of barn, northwest door showing bodies, exhibit 163.

"Photo of barn, close up of body along west wall, exhibit 165.

"Photo of barn, close up of body (Negro), Exhibit No. 166.

"Photo of cap and blood in field, exhibit 167.

"Photo of barn, north side showing grave uncovered, exhibit 168.

"Photo of barn, view north side, showing victims in ditch, Ex. 169.

"Photo of barn, north side with bodies removed from the ditch, Exhibit No. 170.

"Photo of barn, north side with bodies, exhibit 171.

"Photo of barn, east side with bodies on ditch, exhibit 172.

"Photo of ditches, view north of barn, exhibit 173.

"Photo of graves with barn in background, exhibit 174.

"Photo of service at the cemetery, exhibit 175."

This report is signed by Edward C. Cruise, Lt. Col., Infantry, Investigator-Examiner.

(The above-listed documents were marked for identification, Prosecution Exhibits Nos. 25-A to 25-T, inclusive.)

PRESIDENT: The parts of Prosecution Exhibit 25 which have been read to the court will be translated to the accused during recess.

PROSECUTION: The prosecution at this time wishes to introduce in evidence the photographs referred to in the investigator's report, and requests that they be marked Prosecution Exhibits 25-A to 25-T, inclusive. In addition to the report and photographs which have been submitted in evidence at this time I would like to introduce two certificates of photographer. I would like them marked for identification.

(The document referred to was marked Prosecution Exhibit No. 26 for identification.)

PROSECUTION: Prosecution Exhibit P-26 reads as follows:

(Whereupon the prosecution read Exhibit P-26.

(A document was marked Prosecution Exhibit No. 27 for identification.)

PROSECUTION: Prosecution Exhibit No. 27 reads as follows:

(Whereupon Prosecution read Prosecution Exhibit 27.)

PROSECUTION: The prosecution at this time asks that its Exhibits Nos. P-25-A to P-25-T, inclusive, Exhibit No. 26, and Exhibit No. 27, be received in evidence.

DEFENSE COUNSEL: The defense has no objection to the introduction of Prosecution Exhibits 25-A, 25-B, Exhibit No. 26 and Exhibit No. 27, but as to Prosecution Exhibits P-25-C through 25-T, which have not been identified by any witness in this court, we wish to enter an objection.

PRESIDENT: The defense objection relating to Prosecution Exhibits Nos. 25-C to 25-T, inclusive, is over ruled. Prosecution Exhibits 25-A to 25-T inclusive, and Prosecution Exhibits 26 and 27 will be admitted into the record for such probative value as the court may see fit to give them.

PROSECUTION: Prosecution has no further questions.

DEFENSE COUNSEL: If the court pleade, we will object, then to the introduction of the exhibit. A document which is introduced in n evidence should be introduced as a whole and not only one of its parts.

PRESIDENT: All of Prosecution Exhibit No. 25 has been admitted.

PROSECUTION: Does the court require that the entire document be read into evidence?

PRESIDENT: No.

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PROSECUTION: Prosecution has no further questions.

DEFENSE COUNSEL: If it please the court, before proceeding with the cross examination of this witness I deem it necessary, in order to facilitate the cross examination, to read parts of this document which is Prosecutions Exhibit P-25.

(Thereupon the defense read excerpts from Prosecutions Exhibit P-25.)

CROSS EXAMINATION

QUESTIONS BY THE DEFENSE COUNSEL:

Q Now Mr. Seidel, will you repeat for the court please the dates of your service at Rottleberode?

A Do you want the exact dates when I arrived in Rottleberode, is that right?

Q If you know the exact dates, yes, please.

A The exact dates an the exact day is very difficult for me to say today.

Q Give us then the approximate date?

A The approximate date is the first month, that is January, 1945.

Q You remained then at Rottleberode until the evacuation march in April, is that correct?

A Yes.

Q So, in other words you were there for a period of four months, is that right?

A Yes.

Q During your stay there were you assigned or were you at Stampede or at Rottleberode?

A I worked in Stampede and lived in Rottleberode.

Q Stampede was one of the commandos and one of the details, is that right?

A Yes.

Q Approximately how many men were in that detail?

A One group lived in Stampeda and one group went to work in Stampeda every day.

Q Approximately how many men were there in the group who lived at Stampeda, if you know?

A Approximately it was 800.

Q Approximately how many men were there in the group who lived at Rottleberode, but worked in Stampeda?

A Well we went every day and we were perhaps 350 to 400. I don't know it exactly anymore.

Q So, in other words approximately each day there were working at Stampeda in the neighborhood of between 800 to 900 men, is that correct?

A Yes.

Q Now, these groups who worked in Stampede were they composed of usually the same people or did they change every day?

A They changed quite often.

Q Were there new prisoners assigned to your group, that is the group that lived in Rottleberode but worked in Stampede every day?

A Yes.

Q Approximately how many new prisoners, how many different prisoners were added to this group from day to day?

A My group in which I worked would work daily 40 to 50 men.

Q I believe perhaps you misunderstood my question. What I want to know is approximately how many new men joined your group each day.

A I could not say that. I didn't work on the same detail every day. Almost every week I was assigned to a new detail.

Q You mean you were not on the Stampede detail every day, is that what you mean?

A Yes, the Stampede detail, yes, but the Stampede detail had very many places of work.

Q Now, the Stampede detail left as a group from Rottleberode to Stampede each morning, did they not?

A Yes.

Q Now, I am referring to this group which left to go every morning and I ask you how many new men joined that group every day.

A From where do you mean, the people?

Q Just new men who were on that detail for any particular morning who had not been there the day before from any detail.

A In Rottleberode there were also other work departments, work sections. It could be possible that sometimes workers were interchanged. There was also an airplane factory where people worked.

Q Did the number of workers at Stampede include those who lived in Stampede and those who came from Rottleberode, did they change by any large amounts from day to day or did they remain fairly constant?

A It changed continuously because every day some died and then it became smaller every day.

Q Approximately how many new prisoners you know would come into camp, into Rottleberode every day?

A You mean the new prisoners that came to Rottleberode?

Q Yes, during your stay there for four months how many new prisoners came to Rottleberode

A After a time later we were told that another transport had been called for.

Q And do you know approximately how many prisoners there were in that transport?

A I can't say exactly.

Q The transports that arrived--is it not a fact that you arrived about midnight?

A Yes, approximately two to three o'clock in the morning.

Q Is it not a fact that you were fed and then sent to bed at that hour?

A We didn't get any food until noon.

Q Just new men who were on that detail for any particular morning who had not been there the day before from any detail.?

A In Rottleberode there we e also other work departments, work sect'ons. It could be possible that sometimes workers were interchanged. There was also an airplane factory where people worked.

Q Did the number of workers at Stampede include those who lived in Stampede and those who came from Rottleberode, did they change by any large amounts from day to day or did they remain fairly constant?

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Q Is it not a fact that you were fed and then sent to bed at that hour?

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Q You have testified, Mr. Seidel, as to certain beatings which you saw in the tunnels. May I draw your attention to that a moment?

A I also received it, I, personally from Mr. Braumy who is sitting there. He beat me personally and Walter Ulbricht the same.

Q Did both of these men beat you?

A Yes.

Q Did they both beat you at the same time?

A No, it just depended, but sometimes they were together.

Q Did they ever beat you at the same time?

A Yes, that happened, but when Braumy came to the Stampeda detail naturally the clerk didn't come along.

Q Were there some occasions on which the clerk did come to the Stampeda detail?

A I believe very few.

Q How did he beat you then? Weren't you in the Stampeda detail?

A Not on the Stampeda detail, but at night when we came back from work I received plenty of beatings there.

Q From Braumy?

A Also from the clerk, Walter Ulbricht?

Q What did Ulbricht beat you for?

A Not only me, but all the Jews.

Q In other words, he beat you because you were a Jew, is that it?

A Yes.

Seidel-Cross

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Q What did Ulbricht beat you for?

A Not only me, but all the Jews.

Q In other words, he beat you because you were a Jew, is that it?

A Yes.

Q Did he beat all the Jews?

A Yes, and many died from the beatings that he gave.

Q Did all the SS men beat all the Jews?

A Yes, wherever they had an opportunity.

Q The Jews got beat a lot more than anybody else in camp, didn't they?

A Yes.

Q The SS men were always picking on them, weren't they?

A Yes.

Q They never missed an opportunity to beat Jew would they?

A During every small thing, during every opportunity at the roll call or anything else they always beat the Jews.

Q Your group of Jews were marked weren't they? I mean they were selected especially for beatings were they not?

A Not just this particular group. There were many groups. There were groups and groups. There was a group in Stampede and there was a group in Bottleberode.

Q The Capos beat the Jews too, didn't they?

A Yes.

Q And they beat the Jews in preference to anybody else, didn't they?

A Yes, but the Russians and Poles also received beatings.

Q But not as much as the Jews did they?

A No, never.

Q And the prisoner doctors beat the Jews too, didn't they?

A They didn't even let them in. They threw them out the door and beat them.

Q And the American 'Johnny" beat the Jews too, didn't he?

A He was crazy. They said he was completely crazy.

Q He was an American officer wasn't he?

A He can also be crazy.

Q Did Johnny ever beat you, Herr Seidel?

A Yes.

Q When the Jews were beaten by the SS men on the cappos and the prisoner doctors, the people would ask you, who did the beatings, would ask you if you were Jews and then beat you, is that right?

A Yes, when I came in they always asked.

Q Why didn't you just answer that you were not and then you wouldn't have been beaten.

A Why should I deny it when I am.

Q You were wearing a yellow triangle weren't you?

A Yes, but I was proud to be a Jew, even in the concentration camp.

Q All the Jews were wearing yellow triangles weren't they?

A Nevertheless he still asked.

Q Why was it necessary to ask if you were a Jew or not if you were wearing a yellow triangle? He could see you were.

A Well, when I came in he probably didn't look at my coat or my jacket. He didn't see what I was when. When one came in and you said you were a Jew he started to beat you and threw you out the door.

Seidel-Cross

Q You testified that Jews were selected for beating in the tunnel. They weren't wearing any rain coat or any overcoat in the tunnels were they?

A But when they went up and looked at the face they knew immediately who it was.

Q They were all wearing yellow triangles in the tunnels weren't they?

A Commanding Officer Braumy and clerk Ulbricht already knew the Jews from their faces. They didn't have to ask.

Q You mean they just walked up to them and beat them because they knew they were Jews? Do you want to change your testimony now that you said they did not ask you, but just beat you without asking you?

A But they asked.

Q But what is your testimony? Did they ask you first and beat you afterwards, or did they beat you first and ask you afterwards, or did they not ask you and beat you?

A I only said that the Doctor asked.

Q Wasn't your testimony on direct examination that in the tunnels the SS guards, among whom was Braumy and Ulbricht, would stand at a certain location and as the prisoners passed would ask them if they were Jews and beat them if they were. Didn't you so testify on direct examination?

A That is what they did.

Q You say that only the Doctor asked you before he beat you, is that it.

A We received so many beatings that we didn't know what was what. Everybody was already crazy.

Seidel-Cross

Q You were already crazy, is that right?

PROSECUTION: I pray the court's judgment. I believe he is belaboring the witness too much.

DEFENSE COUNSEL: This is cross examination. He has testified that everybody was crazy. I want to know if he was not.

PROSECUTION: I wouldn't be surprised if he is.

DEFENSE COUNSEL: If the prosecution wishes to withdraw the witness because of insanity, I have no objection.

PROSECUTION: I have no such wishes. He is still strong enough to stand on two feet in my opinion.

PRESIDENT: The objection is overruled.

QUESTIONS BY DEFENSE COUNSEL:

Q At the time these beatings took place you got so many beatings you were confused, weren't you?

A Many times.

Q You got so many beatings you didn't know who was beating you any more did you?

A That I saw because before he beat me I looked at him.

Q You testified on direct examination that on a certain occasion it was quite dark and you were all taken into a barracks and everybody there just beat you. Do you remember that testimony

A Yes.

Q Did Kraumy and Ulbricht beat you on that occasion?

A They participated there also, yes.

Q Didn't you say it was so dark you couldn't see who was beating you?

A When they came in the light was on.

Seidel-Crorn

Q Then you could see who beat you?

A We were at roll call, then we came in and when they came in they turned out the lights.

Q They turned out the lights?

A I would like to add something. I am not an attorney here. I am just a prisoner who experienced these things.

Q We are not trying to take advantage of you, Mr. Seidel in any way. We are just trying to get to the truth of your statements.

A That is the pure truth.

Q The pure truth of your statement is that although it was very dark you did not see who beat you, is that it?

A Yes, we know who we have on the detail, the personnel.

Q Did all the people on the detail beat you, or just some of them?

A It was Braunv, Walter Ulbricht and very many men.

Q In other words, all the members of the detail participated in the beatings?

A Yes.

Q Everybody that beat you, you saw, is that right?

A Who beat me, yes.

Q Then it wasn't very dark, was it?

A Perhaps you do not quite understand. I repeat again: When they came in the light was on and when they came in they turned the lights out. Perhaps it was dark all the time. Perhaps it was because there was an air alarm, but when we came in they beat us as we came in the door.

Seidel-Cross

Q In other words, you could see who the people were when they came in because the lights were on when they came in?

PROSECUTION: I pray the court's judgment. I think the question has been asked at least a dozen times.

DEFENSE COUNSEL: If the court please, this witness has changed his story in the middle of the testimony so many times we are trying to get what his final testimony is going to be in this matter.

PRESIDENT: The objection is overruled.

PROSECUTION: Then may I ask that the defense state which beating they are talking about. This witness has talked about being beaten dozens of times and nobody in the prosecution knows what time he is talking about.

DEFENSE COUNSEL: I think the witness understands the time--the occasion the prosecution brought out on direct examination, on which they were on the roll call field and they were taken to the barracks, the lights were turned out, and they were beaten.

PROSECUTION: I don't think there is any testimony in the whole record of any such occasion. The only thing he said was when he was brought from Dora they were brought to the barracks and were beaten that night after Dora in the barracks. Not a word has been said about---I may be wrong, but I don't think so.

PRESIDENT: The court will recess for fifteen minutes.

(Thereupon the court at 1455 hours took a recess until 1510 hours.)

Seidel-Cross

(Thereupon the court reconvened at 1710 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all the members of the court are present; the counsel of the prosecution and the defense are represented by counsel; all the accused are present; the interpreter and reporter are present. At the end of the last session the witness, Seidel, was under cross examination.

PRESIDENT: The witness is reminded that he is still under oath.

BRUNO SEIDEL, called as a witness by the prosecution, being reminded that he was still under oath, testified further through an interpreter as follows:

CROSS EXAMINATION (CONT'D)

QUESTIONS BY DEFENSE COUNSEL:

Q Mr. Seidel, at the beginning of your testimony here today you were asked to identify certain of the prisoners in the dock by name and number, do you recall that?

A Yes.

Q Isn't it a fact that before the court was in session this morning, but when the accused were already in the courtroom you came into the court, observed them, and wrote down their numbers?

A The Captain told me to.

DEFENSE COUNSEL: If the court please, at this time I would like to make a motion that the accused be permitted to wear their numbers with the placards reversed at all times except when one of the witnesses comes in and identifies them

by their faces at which time they may then turn the placard over so that they may then be identified by their number.

Captain Wogan; In the court house, the witness only said he came in and wrote the numbers down. The defense counsel hasn't asked him any other questions about names, who's he got their names from etc.

DEFENSE COUNSEL: If the court please, I am not interested in trying to impune the motive of the prosecution. What I am interested in is having these witnesses come in and identify those people here by looking at them, from their faces, and not by memorizing numbers and obtaining their names from perhaps somewhere else -- I don't care where else. What I want to do is to have him identify him properly.

PRESIDENT: Does the prosecution wish to be heard?

PROSECUTION: Just, may it please the court, that the counsel have been instructed to, wherever there is a question, a possible question, or even to avoid any possible question, a witness should be allowed to look at the accused; and I was instructed that the witnesses had a chance to observe the accused so that justice in prosecuting a case would not go wrong because of a possible lack of identification.

I am not objecting, if the court please, even so, but I do object to the word "improper identification," and if there is any question or possible question in the minds of any members of the court as to what transpired, I solicit the opportunity of putting Captain McCarry on the witness stand to testify what took place.

DEFENSE COUNSEL: The defense is assured and would not want any other motives to be ascribed to the prosecution of furthering the interests of justice. Our motion is based simply on the intent to make certain that when a witness gets on this witness stand, testifies that the accused "X" did so and so that he is talking about someone that he himself remembers and not about some name and number which he has learned in some manner which might not further the interests of justice.

Furthermore, we would have no objection to a witness's looking upon the faces of the accused as a whole, provided that it was done in the presence of defense counsel and without their wearing their identifying numbers, so that if there are any faces which the witness recognises he may testify as to them.

(SEIDEL-Cross)

PROSECUTION: I just have one more statement to make, and that is: the witness did not identify number 14 by name, and if there had been any question that he would come in here with the purpose of knowing names and numbers, he wouldn't have been forced to tell the court, "I remember seeing 14, but I do not know who he is." It is all right to disclaim imputation and at the same time ram implication down your throat by words, and I, for one, don't like it.

PRESIDENT: The court will be closed.

(Thereupon the court was closed at 1520 hours.)

* * *

(Thereupon the court was opened at 1600 hours.)

PRESIDENT: The court is opened.

PROSECUTION: May it be noted in the record that all members of the court are present, the prosecution and defense are represented by counsel, all of the accused are present, the interpreter and reporter are present.

At the end of the last session the witness Seidel was under cross examination.

PRESIDENT: In connection with the motion made by the defense, the court wishes, for the duration of this trial, to establish the following policy in regard to the wearing of identification numbers by the accused and identifications made by witnesses:

In establishing this policy the court is not in any way impugning the motives or integrity of either the prosecution or the defense in this case.

When a witness first comes in to this courtroom, the numbers worn by the accused will be reversed. The seating of the accused in the dock will be as directed by counsel. As identifications are made by the witness the number on the accused identified will be turned around so that the number will show. After all identifications by the witness testifying are completed, the other numbers of the accused will be turned around so that

they are visible.

The defense will proceed.

PROSECUTION: Sir, there is just one thing stated by the court that I am not sure I understand, in regard to arranging the seating order of the accused. The court said they will be seated as determined by counsel. That word was interpreted "rechtsanwalt," which means prosecution.

INTERPRETER SIMON WEISSMAN: That means "counsel."

PROSECUTION: Well, I would like the court to determine who will determine the seating order.

PRESIDENT: The court intends by that that the seating of the accused may be determined by counsel for either side. There may be occasions that probably the prosecution, or that the defense perhaps would be more interested in changing the seating arrangement than the prosecution. If, however, the prosecution should want any particular arrangement for seating it will be considered at that time.

PROSECUTION: I wanted to be certain it wasn't up to prosecution.

PRESIDENT: The court can't commit itself to decide anything further at this time. There may be questions which will have to be decided on the spot, but the policy should be clear; is it not?

PROSECUTION: Yes, sir.

DEFENSE COUNSEL: It is for the defense.

BORUCH SEIDEL, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, continued to testify through an interpreter as follows:

CROSS EXAMINATION (continued)

QUESTIONS BY DEFENSE COUNSEL (continued):

Q Now, Mr. Seidel, you have testified with regard to a so-called wood, or mole kommando. Do you recall that?

A Yes.

Q I believe this was the kommando, you testified, in which people were taken and dunked into cold water"

(SEIDEL-Cross)

A Not the whole work detail, but every day several members of the work detail were dunked in water.

Q Did you testify that approximately 40 or 50 composed this detail?

A Yes.

Q And of these 40 or 50 people how many were dunked -- all of them or just some of them?

A Every day only a few.

Q I believe you testified that approximately 5 to 10 Jews were killed each day at Rottleberode. Was this figure in addition to those thousand that were killed as a result of this hole kommando, or is that a total figure?

A Up to 10 people is the whole amount.

Q Did you testify that up to 10 people, or up to 10 Jewish prisoners?

A I would like to ask one question. I would like to ask: if you ask me a question to ask me what time you have in mind.

Q Well, I am referring to your testimony, Mr. Seidel, that approximately 5 to 10 Jews were killed each day during your stay at Rottleberode. Now is that what you testified or is that not what you testified?

A Yes.

Q And you were at Rottleberode for a period of a little over three months, were you not?

A Yes. Maybe a few days more.

Q All right, are you trying to tell the court then that approximately 900 to a thousand Jews were killed in a period of three months at Rottleberode?

A Not 900, because there weren't even 900.

Q Well, if 5 to 10 were killed each day and you were there for 90 days, that would be 900, would it not?

A Other people also died; that is what I said; and some people received injections.

(SEIDEL-Cross)

Q In other words, the figure of 5 to 10 people included all the people from all the classes, is that it? The Jews, Poles, and Russians, and everybody?

A Yes.

Q Do you wish to change that 5 to 10 Jews were killed every day at Rottleberode?

A I believe I was misunderstood there.

Q When these Jews were put into the cold water and then beaten, was Preuny present when that occurred?

A He came up to Stampeda every day.

Q Please answer my question. Was he present on this occasion or was there any occasion that you saw him present when these Jews were being put into the cold water and then beaten?

A He was not present every day there at the point, but many times he was there.

Q Well, did you ever see him present there?

A Yes.

Q Were you present there at the time?

A We worked at a distance of it of about 20 to 25 meters.

Q Where was this soaking in the cold water done -- in a pond or where?

A In a pond which was about one hundred meters away from the barrack in Stampeda.

Q You have testified, have you not, that you had no occasion or possibility of washing your clothes?

A Yes.

Q And I presume that that was also true for the prisoners at Stampeda, is that right?

A Yes.

Q Was that because there was no water available for washing?

A Well, there is plenty of water in Germany. There is plenty of

water but the possibility of washing oneself was not because we were beaten.

Q Well, couldn't you wash on Sundays without being beaten?

A We also worked on Sundays all day long.

Q Did you work seven days a week?

A Especially Jews, yes.

Q You testified when you were telling the court --- Do you want to add something?

A Yes, I want to add something. I only know that much, there were two Easter days and we were supposed to have rest, and on both of those days they pulled out all the Jews to work.

Q When you testified, told the court about your activities from one typical day in your life at Rottleberode, you made the statement that after you got up you went downstairs to wash. Do you recall that?

A Yes. That can be understood in various ways. I said we went downstairs quickly to wash, but the question was whether the laundry, the clothes could be washed.

Q Yes, I understand that we are speaking about two different things. I am now questioning you about washing yourself.

A There is a difference if you just wash your face or if you wash your whole body.

Q Well, you did have an occasion to wash your face every day at Rottleberode, is that right?

A There were a few minutes for that.

Q Well, did you wash your face every day at Dora?

A For two days it was very bad because we had new arrivals, but on the other days in the evening we could wash.

Q While you were at Dora, did you ever find it necessary to wash your face with urine?

A Yes, but I would like to add something here. When we came to Dora they put us up separately, and we did not have to wash with water, but

through a disinfection bath everybody had to get disinfected.

Q You mean you were given a bath when you first arrived in Dora?

A Not an actual bath with water. I am being misunderstood again. That was a disinfection and everybody had to step into a tub of --- and we had to step into a tub and whoever did not dip in, submerge himself completely, was being beaten by an SS man.

Q And during your stay in Dora did you or did you not have the opportunity to wash yourself each day -- your face?

A There were a few minutes for that and the taps were there, and whoever got there first had a chance to wash his face, but there were many days when I did not get up as far as the faucet was to wash.

Q But at Rottleberode, you did testify that you did manage to wash your face every day, did you not?

A That is only for a few minutes, and if it took longer than two or three minutes somebody came in with a club and would beat us.

Q Well, you testified to the court, did you not, that, comparing Dora with Rottleberode, Rottleberode was much worse as far as your facilities for personal hygiene were concerned?

A But there were also possibilities of keeping one's self clean.

Q Did you ever recall seeing a shower room at Rottleberode?

A There was one, but there was no possibility to wash there.

Q Who used it?

A There also was the Fire works. The possibilit would have existed but we had to go out all day to work and we were supposed to take showers on Sundays, but we also had to work on Sundays.

Q How about in the evenings when you returned from work?

PRESIDENT: Excuse me. I think there was a misinterpretation. There was a Sunday bath to be used only on Sunday, and I don't think that was quite translated --- I ask the court's indulgence.

A It was set up so that everybody was to have a bath every other

(SEIDEL-Ross)

Sunday, but we went to work for all day long, so we did not have the possibility of washing.

Q How about in the evening? Couldn't you wash in the evening when you came back?

A Nobody called us for that and every one of us was afraid to say something because we would have been beaten.

Q Do you know if anyone used that shower room at any time?

A I said already it was being used by the Tira works. There also were several nationalities there, but there were no Jews there.

Q In other words, what you mean is that the Jews were excluded from this bath, is that it?

A They were not excluded, but they didn't have the possibility.

Q Were they the only group that was not permitted to take a bath?

A I don't understand the question.

Q Well, I want to know whether the Russians and the Poles and the Czechs and all the other nationalities were permitted to use the baths but the Jews were not?

A It was like this: In the beginning when we came they did take a bath, but in the end there was lots of work to be done because many transports arrived and many other people left, so they also had to work on Sundays. I believe it will be hard to remember every particular and every individual thing because, after all, it is already two years since.

Q You mean, in other words, you have forgotten many of the details of your daily life. Is that the idea?

A What I didn't testify to here yet, yes, whether there were also many other bad things.

Q What did you get for breakfast?

A (Previous answer continued) Because nobody can imagine all that.

Q What did you get for breakfast at Rottleberode?

A Sometimes we had for six or eight people one bread, a loaf of

bread, which weighed a little more than two pounds, and coffee. That was breakfast.

Q What did you get for lunch?

A Nothing.

Q You got absolutely no food during the day, is that it?

A No.

Q What did you get for supper?

A The soup from noontime.

Q Why did you get the noon-day soup in the evening?

A Because the soup would have had to be transported for three kilometers and the first few days they would take it along in the morning, but it was pretty bad; they didn't have any kettles to put it in and so on; and as we were going back every evening to Rottleberode we received it in the evening.

Q Well, now, how about the people who lived at Stampeda? What did they eat for lunch?

A I believe for them the noon meal was brought out. Yes.

Q You mean they would bring the meal up for one group but not for another, is that it?

A I don't mean it that way, it was like this.

Q What did you get for supper besides the mid-day soup?

A The bread was what we had.

(SEIDEL-Cross)

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Q And didn't you receive any additional bread for support?

A We had beatings, yes, but nothing else.

Q Did they ever issue any margarine?

A From time to time for the bread in the morning.

Q And did you ever receive from time to time any sausage?

A Very little.

Q And from time to time, wasn't some cheese given to you?

A I heard about it, but we didn't see it and didn't eat it.

Q I would like to refresh your recollection now as to the testimony given about this transport you were on.

A Yes.

Q Did you see Brauny at all at a place called Kiesto?

A On the 11th, yes. He arrived on his motorcycle and gave the order that we had arrived.

Q And then did he remain there or go off?

A He gave the orders and then he drove off again. He always would ride ahead of us in order to show us the way because he was the transport leader.

Q And how long approximately did he remain at Kiesto before he drove away?

A That was about 9 or 10 o'clock, he came and in the afternoon we left, we marched off.

Q In other words, he could not have been present at the shooting of these sick people which you saw took place after you left, is that so?

A Yes, he could be there because we could follow the motorcycle.

Q Where did the shooting of these sick people take place?

A In Kiesto near the railroad cars.

Q You testified that he had already left when this shooting took place, didn't you?

A I haven't yet, when we heard the shooting, still going on.

Q But he was ahead of the column at the time on his motor cycle?

A He gave the order for the marching off, and he could stay there because he had the motorcycle and could follow us afterwards when we were marching.

Q Didn't you just testify that he gave the orders and then drove off ahead of the column?

A There also were one or two SS sergeants, and they were present there with the group. And he was either behind us or ahead of us because we were marching through the woods and he had to drive over the highway.

Q You don't remember then exactly whether he was ahead of you or behind you at the time you heard these shots, do you?

A I would like to say that when we heard the shots we had marched off already, but when we were marching off, I did still see Graumy there.

Q In other words, you now want to say that he remained behind, is that right? When you marched off he remained behind, is that right?

A I don't want only to say that, I want to say that when we marched-- when we were marching, he was riding up and down, but when we marched off, I still saw him there.

Q Now, let's get to this incident where these prisoners were put in this barn and it was set fire to. Where were you at the time that the fire started?

A I was about 50 to 100 meters away.

Q And where were you?

A At the barn in the woods.

Q You were in the woods, is that right?

A Nearby at the edge in front there.

Q Were you hiding behind a tree, or were you out in plain view?

A It was very dark outside, so how could somebody see me? Otherwise, I would not have been able to run away. I reasoned.

Q What time of the day was it when the fire started?

A Friday evening, the 18th of April. It was very dark already because it was rainy weather. It was approximately between 7 and 8 o'clock. We did not have a watch, but night was falling already.

Q You could see the barn clearly from where you were?

A Yes, and I also heard how the people were crying and yelling.

Q But before the fire started, could you see the barn?

A I was sitting there myself for a few hours at the barn.

Q Did you escape from the barn?

A I was not in the barn--I was at the barn. There was sitting around the barn there a couple of thousand people.

Q About what time did you get away--did you make your escape?

A At that time maybe a few minutes earlier, and when we were just at the woods we saw and heard already the hand grenades.

Q So when you escaped then it was already dark, is that right?

A It was quite dark.

Q And from where you were in the woods, were you able to see who the SS guards who were participating in this burning were?

A I did not see them there in the evening, but I saw them Friday as guards.

Q What time was the last time that you were able to see any SS guards around the barn?

A At 4, at 5, at 5:30 also.

Q And approximately what time do you estimate it to be when the fire started?

A I said between 7 and 8. It could also have been 8 o'clock.

Q Was Irmany there when the fire started?

A Well, as he was there Friday towards the evening, so he could not have been some place else.

Q Answer my question, was Bramny there?

A Yes, and also at the time I was there.

Q Answer my question, was Bramny there when the fire started?

A Well, if I had been there at the time the fire had started, I would not have been sitting here today because all of them were burned. I said a few minutes prior to that I took off.

Q Please answer my question, if you know the answer. Was Bramny there at the time the fire started?

A One hour prior to that he was still there.

Q You saw him one hour prior to the starting of the fire, is that right?

A Yes, Yes.

Q You are absolutely certain that you saw Bramny at the barn one hour before the fire started, is that right?

A Yes.

Q Do you know how the fire started?

A Yes.

Q How?

A It started by putting all of them into the barn, and the people didn't know what was going to happen to them, and then eight assistants were called from the town of Cardelegen, the Hitler Youth and the Volkssturm, people's army, and they made a ring around the barn and the whole place there, and they started to throwing hand grenades. And also on the next day we found empty cans of gasoline, and they supposedly poured in gasoline also.

Q Now, who was it who threw these hand grenades into the barn and started the fire?

A I said already several times prior to that I had taken off, so how could I tell you them who did all that.

(Seidel-Cross)

Q Were you watching from the edge of the woods?

A I did not observe it, but I only heard shooting, and heard the yells of the people. It was dark already at that time. It only got light when the fire was burning already, then we saw the whole fire. It lasted all night.

Q It was Brumy's idea, was it not, to start this fire?

A Brumy and also Teply. Teply was a sergeant major.

Q Brumy and Teply conceived this idea to start this fire and burn all these people, is that right?

A I don't know whether they were the ones who had the idea, but I know they were the ones who were in charge of the prisoners.

Q You don't know whether it was their plan to burn these prisoners, do you?

A They didn't talk it over with us what to do. How should I know what they did?

Q Didn't a number of prisoners volunteer to assist in this burning?

A They didn't ask for anybody, and besides nobody would have volunteered for that, and they didn't ask anybody. They took enough Hitler Youth personnel and Volkssturm from Cardelegen for that.

Q Do you mean that none of the prisoners volunteered to assist the SS in this little venture?

A I don't mean it that way. This is the way it is.

Q Well how?

PROSECUTION: I think he has answered it, may it please the court.

DEFENSE COUNSEL: I understand it.

THE WITNESS: May I add something?

DEFENSE COUNSEL: Yes.

THE WITNESS: If the defense counsel is asking something like this, how can he imagine that prisoners would volunteer to burn other prisoners and then burn themselves?

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QUESTIONS BY DEFENSE COUNSEL:

Q Did you see any prisoners to whom German uniforms were issued to assist in this work?

A It was being said that Germans had been selected and placed aside, but I did not see it myself--it was only being said.

Q Now, the people who were assembled in this barn came not only from your transports but from several other transports, is that right?

A Yes, they were from several cars.

Q And the other transports also had SS men in charge of them, did they not?

A Yes.

Q Tell, was Drumy then the SS man in charge of all the people who assembled there, or were there other SS officers present?

A There were no high officers from other cars because the other officers were going with other groups or columns to the camp Sachsenhausen.

Q Did you see any Sonnmacht officers or soldiers there?

A During the day, Yes. They were the ones that had picked up all the prisoners in the fields and brought them to the column.

Q Did you see any paratroopers there?

A Yes, there also was an air raid alarm. Yes, I didn't tell you everything yet from there.

Q Did you see any civilians who seemed to be persons of importance or of high rank there?

A Civilians--the volksturm. Many of the volkssturm had civilian clothes. Gauleiters and others in high positions also wore civilian clothes. They call themselves all kinds of names.

Q Did you see any of them present, or did you recognize them, any of them?

A Yes, some came and some left, and some arrived, and some drove off. They were different.

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A Civilians--the volunteers. Many of the volunteers had civilian clothes. Gauleiters and others in high positions also wore civilian clothes. They call themselves all kinds of names.

Q Did you see any of them present, or did you recognize them, any of them?

A Yes, some cars and some left, and some arrived, and some drove off. They were different.

Q Did you, Herr Seidel, have any opportunity to hear any telephone conversations between Brauny and any other individuals at this barn—that Brauny was supposed to have made a telephone call?

A Yes.

Q Did you ever see him or hear him talk on the telephone?

A There wasn't a telephone where we were. If he might have made a telephone call, but then he would have had to leave.

Q Did you ever hear of a man by the name of Thile?

A Of Thile I heard later in Cardelegen—whether he was a Gauleiter, ortsgruppenleiter, I don't know—he was a man of high position.

Q Did you ever hear that he was present at this barn?

PROSECUTION: I will stipulate that he was. I mean that seriously, I will stipulate that with the defense that he was.

PRESIDENT: Does the defense stipulate that?

DEFENSE COUNSEL: Yes, sir, I will.

PRESIDENT: All right, it is agreed.

DEFENSE COUNSEL: No further questions.

DR. ADLER: Cross examination on behalf of the accused Gerschein.

QUESTIONS BY DR. ADLER:

Q Where were the prisoners in Rottleberode quartered?

PROSECUTION: Now, may it please the court, that has thoroughly been gone into. They must have been in the barracks.

DR. ADLER: I believe the prosecutor will know very soon what I am driving at.

PRESIDENT: Continue.

DR. ADLER: I request that that the question be read again to the witness.

(Thereupon the reporter read the last question, "Where were the prisoners in Rottleberode quartered?")

THE WITNESS: When do you mean that.

QUESTIONS BY DR. AM[illegible]:

Q Were the prisoners quartered in barracks or in one single building?

DR. AMEREN: I request the court to instruct the witness that he has to answer the question.

PRESIDENT: Does the witness understand the question?

THE WITNESS: I understand the question, but I don't know what you mean, whether it was at the time when we arrived. Could that be translated into Polish?

PROSECUTION: Well, if there is any question, I will ask the Polish interpreter to interpret for him. And also I am going to insist as far as I have a legal right to is so on questions asked they must be stated as to time.

DR. AMEREN: I will add to this question, "when you arrived in Rottleberode".

PROSECUTION: I want the Polish interpreter to be used, may it please the court.

(Thereupon the following proceedings were also translated into the Polish language.)

QUESTIONS BY DR. AMEREN:

Q Were the prisoners quartered in several barracks or in just one single building when you arrived in Rottleberode?

A There was one block three stories high.

Q What floor did you yourself live in?

A The first floor.

PROSECUTION: May it please the court, I happen to think that "erster stock" means the second floor.

INTERPRETER: That is right, the second floor.

MR. [illegible]: "Erster stock" in German means the second floor; it means in English the first floor.

(Seidel-Direct)

PRESIDENT: Just a minute. The Court has already told the stenographer to put down "second floor" for that.

PROSECUTION: Yes, thank you.

DR. ALTMAN: On what floor was the dispensary located?

PUBLISH INTERPRETER: I am sorry, he said "first floor" in the Polish sense.

PRESIDENT: Was it on the ground floor?

THE WITNESS: It was on the second floor. It was one story higher than where I lived.

CROSS EXAMINATION BY DR. ALTMAN:

Q That means when you wanted to go to the dispensary you had to walk one flight down, is that correct--I mean up?

A Yes.

Q You stated that at several occasions you were being thrown out by the prisoner doctor because you had said upon a question that you were Jewish?

A Yes.

Q Were you ever at any one time in the dispensary for a longer period?

A I didn't want to be, I went there to be released from work for two days, but even that wasn't granted.

Q That means then that you never were for any period of time in a dispensary, is that correct?

A Yes, that is correct, but I want to say, something

Q Yes, add it.

A I wanted to add that there was no dispensary, there was only a room, a reception room where the doctor received, but no sick were staying with us.

Q And also this room was one flight above the place where you lived?

A Yes.

Q Didn't you say this morning in direct examination you saw Weisshein in the dispensary several times?

Q How is it possible then that if you yourself were not in the dispensary that you saw him?

A In the first place, everybody who went to the dispensary had to pass our room, besides, I very often went to the doctor, and then I saw him there.

Q Didn't you say this morning that you had seen Maischein many times in the dispensary and that you had seen how he threw out people from there?

A That is not true what you asked me.

Q So then you didn't say it?

A I said it, but I said it otherwise.

Q Then you didn't say it the way I phrased my question?

A I said that Maischein was very often there, and that there was no dispensary.

Q Didn't you say this morning that you had seen Maischein many times in the dispensary and that you had seen how he threw people out and beat them?

DR. AUSIMER: I would like to ask the court to instruct the witness to answer this question with "Yes" or "No".

PROSECUTION: I pray the court's judgment, maybe he will.

PRESIDENT: The witness will answer the question.

THE WITNESS: Yes, I saw it.

QUESTIONS BY DR. AUSIMER:

Q Please answer the question. I will say it again. Didn't you say this morning that you had seen Maischein often in the dispensary and that he threw out people there and beat them?

A Yes, I said it, and I want to say something.

DR. AUSIMER: You can do that later on redirect examination.

PROSECUTION: I think he has the right to explain.

PRESIDENT: The witness will please answer.

THE WITNESS: I wanted to add that there was no real big dispensary, only when we went there he was there and he beat us up and threw us out.

QUESTIONS BY Dr. Aldenrath:

Q You said you saw how prisoners received injections, is that correct?

A Yes.

Q These prisoners were sick prior to that, is that correct?

A Many of them were.

Q What did they suffer from?

A Dysentery and spotted fever.

Q Didn't you hear that typhus was being treated with injections?

A Yes, I heard only the people died the same night.

Q A few questions on behalf of the accused Number 14. This morning you recognised the accused Number 14, is that correct?

A Yes.

Q But you didn't know his name, is that correct?

A As a matter of fact, I knew his name, but at the time I just couldn't remember it.

Q When did you see this man, Number 14, for the first time?

A After a few days in Dora I saw him in the tunnel which he visited during our work.

Q And when did you see this man a second time?

A I said that I saw him many times—I said that I haven't seen him many times.

Q Did you see him today for the second time, or did you see him in the meantime?

A I saw him here in the office several times. He himself can say that I recognised him immediately.

Q Isn't it a fact that you were present while he was being interrogated by the prosecution?

A Yes, but it is also true that I recognised him immediately and I asked him if he was from Dora.

(Seidel-Cross)

DR. ARNDT: No further questions.

PROSECUTION: Any more questions by the defense?

DEFENSE COUNSEL: No further questions by the defense.

PROSECUTION: Are there any questions by the court?

PRESIDENT: There are no questions by the court.

PROSECUTION: May I on behalf of the witness ask that he be permanently excused?

DEFENSE COUNSEL: No objections.

PRESIDENT: The witness may be permanently excused.

(Thereupon the witness was excused and withdrew.)

PRESIDENT: The court will recess until 9 o'clock Monday morning.

(Thereupon at 1715 hours the court adjourned until 0900 hours, 18 August 1947.)

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MILITARY GOVERNMENT COURT

CASE RECORD

Vol. VII

CASE NO. 000-50-37

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~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
GENERAL

PLACE Dachau, Germany

DATE 18 August 194 7

WITNESSES

PROSECUTOR Lt. Col. W. Berman

DEFENSE COUNSEL Major L. Poullada
Nelly Singer

INTERPRETERS Simon Weissglas

REPORTERS Gloria M. Spears
~~Mary T. Williams~~
Peter L. Di Curti
~~Eunice L. Wasserff~~
Matel D. Holt

ROMAN DR[illegible]

ACCUSED ARTHUR KURT ANDRAE ET AL

ADDRESS _____ SEX _____ AGE _____

	FIRST CHARGE	SECOND CHARGE
PLEAS		
FINDINGS		
PREVIOUS CONVICTIONS		
SENTENCE — IMPRISONMENT	(TERM _____ (BEGINNING _____ 194 _____	
SENTENCE — FINE	AMOUNT _____ TO BE PAID BEFORE _____ 194 _____ FURTHER PER. OF _____ IMPRISONMENT	

CHARGE SHEET AND RECORD OF PLEA [illegible] ARE ANNEXED HERETO.

_____
SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY _____

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RECORD OF TESTIMONY

in trial of

THE UNITED STATES Versus ARTHUR KUNT AMURAE et al

by

GENERAL MILITARY GOVERNMENT COURT

tried at

DACHAU, GERMANY BEGINNING 7 August 1947

18 August 1947 PAGES 550 - 623

TESTIMONY

WITNESSES	Direct	Cross	Redirect	Recross	Court
ROMAN DRUMS	550	591			

EXHIBITS

NO.	DESCRIPTION	MARKED	REC'D IN EVIDENCE
P-30	Whipping Book	582	585
P-28	Camp book	576	577
P-29	Book of the Camp Eldest	577	578

Camp Dachau, Germany

16 August, 1947

MORNING SESSION

(Thereupon the court reconvened at 0900 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all members of the court are present; the defense and the prosecution are represented by counsel; all of the accused are present; the reporter and interpreter are present.

The witness Drung has been recalled to the stand. He is still on direct examination.

PRESIDENT: The witness is reminded that he is still under oath.

RAMON DRUNG, recalled as a witness for the prosecution, being reminded that he was still under oath, resumed the stand and testified further through an interpreter as follows:

DIRECT EXAMINATION, continued

QUESTIONS BY THE PROSECUTION:

Q Herr Drung at the end of your last testimony you were telling the court what you knew about the accused Buehring. Have you anything additional that you can tell the court about Buehring?

A Anything further to what I have already actually said? No.

Q On a previous occasion you identified the accused Detmers whom you described as adjutant for a time at Dora. Will you tell the court, what you know, have seen and have heard about Detmers?

A Detmers was the Judiciary officer and the adjutant of the camp commander of Dora.

Q What were his duties and powers as adjutant?

A That I don't know exactly.

Q Well tell it as best you know?

A I only know that before the Gestapo came into camp--it was in June or July, 1944--Detmers was the Judiciary officer and he was in charge of all interrogations or trials that took place for the prisoners.

Q What did these interrogations and trials consist of? What kind of trial did they get?

A That concerned those prisoners who had a report against them, either for sabotage or something else. These people Detmers interrogated. How these prisoner interrogations took place, I don't know. I only know that later on when the Gestapo came into camp that the Gestapo interrogated the prisoners. Detmers then only had to suggest the punishments to be meted out.

Q To whom did he make these suggestions?

A To the Gestapo.

Q Prior to the time the Gestapo came in you say he interrogated the prisoners. Did the trial of the prisoners consist of anything in addition to the interrogation by Detmers of the prisoner himself?

A No.

Q Did you ever know of a case where a prisoner was hanged where he was allowed to produce witnesses in his behalf or to defend himself in any way?

A Something like that did not exist in the camp.

Q Prior to the time the Gestapo came in you say that Detmers made the interrogations. Who handed down the sentences?

A He was the one that recommended the sentences whether it was for the bunker or anything else. He was the one that did the whole thing.

Q Can you give the court an estimate of the number of prisoners who had this so-called trial before detmers and subsequently were hanged?

A That is very difficult to say.

Q Can you give the court a figure of at least how many?

A Well it is this way; that detmers until he left made all the recommendations for the death sentences or for any punishments.

Q Who ordered the death sentences carried out or were they automati-

(Trump-direct)

cally carried out after Detmers made up his mind what the sentences should be?

A The punishment that Detmers suggested or recommended was always accepted and executed because he was the Judiciary Officer.

Q Can you tell the court something about the powers he had and the duties he had as adjutant?

A I don't know how far his authority went. I only know that for a period of time he represented the camp leader when we were still living in the tunnel. He was always present up on the roll call field when we had a general roll call. Those roll calls always took very very long because Detmers was always drunk.

Q What was the effect of his drunkeness on making the roll call last a long time?

A If a person is drunk he hasn't got all his five senses and then, of course, he probably couldn't add the number of the prisoners correctly.

Q Can you tell the court which of the personnel of the camp, the SS Personnel of the camp, were present at these hangings?

A I have already stated that the SS who were on duty in the camp-- those were the roll call leaders and the block leaders.

Q Did any of the SS ever come there just to see the show?

A That is possible too.

Q Herr Irung you also identified the accused Heinrich.

A Yes.

Q Will you tell the court what you know about Heinrich?

A Heinrich, after Detmers had left, which was in the late fall of 1944, I don't know the exact time, was Judiciary officer and adjutant as well. But the Gestapo was in the camp already so that according to my knowledge Heinrich didn't make any direct interrogations. He only designated what the punishments were to be.

Q Can you tell the court or give the court any idea of how many hangings took place while Heinrich was adjutant?

A There were quite a few because the really bad hangins actually started in the fall of 1944.

Q Outside of the fact that Heinrich did not make the interrogations what differences were there between his duties and Detmers' duties ?

A The differences as far as judiciary officers were concerned was that he only designated what the punishments were that were to be meted out contrary to detmers who made the interogations personally.

Q What knowledge that you know of would the adjutant of a camp have with respect to food, living conditions and beating?

A That, I don't know.

Q Can you tell the court what knowledge an adjutant should have by virtue of his position about the food conditions and living conditions and the beatings in the camp--so far as you know?

A In my opinion an adjutant must know everything because after all he is adjutant of the commanding officer.

Q Herr Drung was there a quarry in Dora or nearby Dora?

A Yes. The name of it was Metzkater stone quarry.

Q Where was this?

A I personally have never been there, but at any rate it was not very far from Dora.

Q Can you tell the court how you would get there from the camp itself?

A That I also don't know --if they walked or if they rode.

Q Can you tell the court in what direction it was from the camp?

A That I don't know as well.

Q Do you know whether or not prisoners from Dora worked in the quarry?

A That I know.

Q What kind of a work detail was that?

A The name of it was Beta 1 Metzkater.

Q What work did the prisoners do there, do you know?

(Drung-direct)

A They loaded stones. They broke up stones and loaded them. It was a punishment detail.

Q Who was sent there on that detail?

A All these prisoners who had been noticed.

Q Now, Herr Trung, you also identified the accused Helbig. What can you tell the court about Helbig?

A Helbig was that person who had the supervision of the prisoners clothing supply room as well as the SS clothing supply room. That is, he had somebody superior to him. I don't remember his name at the moment, but I know him, but he never put in an appearance, at least very seldom. Ohi I remember his name now. His name was Westphal, SS Technical Sergeant.

Q What were Helbig's duties and powers with respect to the distribution of prisoner clothing?

A Helbig had to take care of the clothing of the prisoners, also blankets. The blankets came from another supply room, but that all these things were in order. The prisoners, when they were at the end of the working time if they needed some new things due to that their things were in rags they had to go to the clothing supply store for new ones. They had to stand for hours in front of the clothing supply store. The worse time was in winter. If two or three hundred people were standing there only about 20 people would be taken care of and then the clothing supply room was closed. It happened that prisoners didn't have any shoes. Toward the end then they couldn't go to work anymore. We tried to have the clothing directly brought to the blocks to avoid that the prisoners would have to stand for such a long time. It did occur several times but as soon as Helbig heard about it he withdrew this privilege.

It happened that the prisoners did not receive a fresh shirt for four to five months. Not all prisoners. They were full of lice and all our efforts did not help because when they were delcused they didn't have any clean

underwear. That there were sufficient things in the clothing supply store we only found out during the evacuation. There were tremendous stores of suits and shirts and many prisoners had not received anything for many months. Later I heard that Helbig on a transport of Bergen-Belsen that he shot into a crowd on this transport.

Q Did it ever happen that a prisoner who had no shoes, as you mentioned before would make a complaint to Helbig about the condition of his clothing or to one of the people working in the clothing supply?

A Yes, naturally, but he didn't get as far as Helbig.

Q Why?

A It was not possible because he was sitting in the clothing supply room where he had a room for himself and the prisoners were working there who didn't make it possible for anybody to get anywhere near him.

Q What happened if a prisoner did make a complaint?

A There were very bad scenes that took place in front of the clothing supply store, because if the prisoners who were standing there who didn't have shoes or their shirts were in rags tried everything in order to obtain something new and when they would march together into the clothing supply room, they were beaten.

Q By whom?

A From the prisoners who were working in the clothing supply room. He personally didn't beat so much, but he probably gave the instructions for doing so.

Q You say he didn't beat so much. Did he beat at all?

A Yes, he did beat. He would be the first SS man who didn't beat.

Q Why do you say that?

A Because such SS people didn't exist who didn't beat.

Q Now, Herr Drung, you also identified Jacobi.

A Yes.

Q What can you tell the court about Jacobi?

A Jacobi was the First Sergeant in the German equipment works and was in charge of the construction of barracks, in fact, of all living quarters, and had to see that the camp was constructed. Jacobi was not only a heavy beater but he had such a blow that could knock over an ox. I have seen on the roll call fields near the tunnel when we were not in the camp as yet that he severely mistreated a Pole. This Pole died in the dispensary.

Q What was the cause of the death?

A That I don't know exactly, but there were prisoner doctors here who can describe this exactly.

Q Tell the court what you saw on that occasion.

A I only saw -- I can't say what the reason was that he had a prisoner in front of him and that he was beating upon him with a board.

Q Where did he hit him?

A Up on the roll call field.

Q Upon what part of the Pole's body?

A He beat from the top down.

Q How many times would you say that he struck this Pole?

A That is difficult to say.

Q And what happened to the Pole afterwards?

A Later he went to the dispensary. I was often in the dispensary because if foreigners were concerned I speak very many languages.

PRESIDENT: I think he described what type of languages.

INTERPRETER KELLY SIMMS: I am sorry. "I speak very many Slavic languages."

A (continued) If Russians, Poles, Czechoslovakians, Yugoslavians, were concerned they usually came to me and then I always inquired what happened to them later on.

Q Did you inquire about this Pole that Jacobi beat?

A Yes.

Q And what did you find out?

A He was dead at that time already.

Q How long after the beating did you make this inquiry?

A At that time I was down in the tunnel and couldn't come up the way I wanted to. I always had to have a reason for going into camp. That could have been 10 to 12 days later on.

Q What else can you tell the court about Jacobi?

A A second time this happened during the construction of the barracks near the dispensary. A Russian once tried to get out of carrying part of the barracks parts; that is, he rode one way less than the others. I don't know which barracks it was; whether it was the barracks later on Number 37 or 39, I don't know which exactly. This Russian, Jacobi also knocked down with a piece of wood. This Russian also died. There are

witnesses, doctors, who can also confirm this.

Q Anything else?

A I would like to make Jacobi responsible for the very small amount of beds, construction of beds. In the tunnels already we had to sleep four to a bed, and that didn't change at all up above, so that diseases, particularly eczemas, were carried over one to the other very quickly. In my block up above, Block No. 105, I had 560 prisoners and only had 62 beds; the other ones had to sleep on the floor in the dayroom and all over.

Q Was there room available for additional beds in your block?

A The camp terrain was large enough.

I answered the question incorrectly. I heard it incorrectly. In my block it would have been possible to construct another floor.

Q Did you ever ask for more beds for your block?

A No. One couldn't do that at all. It was fixed, so many beds in a block, and nothing else helped.

Q Now, you testified, Herr Drung, about this gallows. Who built the gallows? This gallows marked Prosecution's Exhibit 24?

A The prisoners constructed the gallows in the German equipment works and, in my opinion, under the orders, or, rather, under the instructions of Jacobi, because no piece of wood could disappear that he didn't know about.

Q How about the whipping book? Who built that?

A It was also built in the German equipment workshop.

Q Is there anything else you can tell the court about Jacobi?

A I don't know anything further except that he was very much feared because he had a very heavy blow. Everybody got out of his way wherever it was possible; he called us names; he was particularly proud of his iron cross, first class; and told us at least once that if us pigs weren't here he could have been out in front.

(DRUNG-Direct)

Q Now, Herr Drung, you identified Kilian and told the court some things you knew about him. Is there anything in addition to what you said about Kilian that you can tell the court?

A About Kilian I can only say that he was orderly in the bunker and that he did hangings.

Q Do you know whether or not Kilian was detailed for this job of hangman or whether or not he volunteered for it?

A That I don't know.

Q Do you know whether the people who acted as hangmen got any special privileges or some other pay for it?

A I presume that he received whiskey for this because he often smelled of whiskey.

Q You identified the accused Koenig. What can you tell the court about Koenig?

A Koenig at the end was in charge of the motor dispatch pool in Dora. He was also very much feared. I know of one mistreatment of a prisoner which Koenig did while he was in charge of the motor dispatch pool. A Russian who was working in the motor dispatch pool did something or other. Koenig, in accordance with the story of the Russian -- I personally didn't see this-- tied the wheel of a truck on his back. With this wheel he had to make knee bendings and hop. Koenig drove behind him with a car around the motor dispatch barracks. When he couldn't do this any longer Koenig injured him with some instrument. This injury I personally saw in the dispensary then. This bone here (indicating) was broken and stuck out of the skin.

PROSECUTION: Let the record indicate the witness is pointing to his right cheek bone.

A (continued) The injured Russian died later due to meningitis.

Q Anything else?

A No; nothing, outside of the usual beatings.

Q What do you mean by the usual beatings?

A Well, Koenig was known -- he was one of the first roll call leaders from the beginning. Koenig, as well as Jacobi -- that was a team that was -- well, it was just feared very much.

Q Why was it feared?

A Because they beat very much.

Q Do you know whether or not Koenig had a dog?

A Koenig did have a dog as well. With this dog he had the pleasure of chasing him at the prisoners.

Q What happened then when Koenig chased the dog after prisoners?

A He bit them and he tore their clothes. There were many prisoners in the dispensary who had been bitten by dogs. It was not always possible to establish if these people had been bitten by Koenig's or some other's, but that Koenig chased the dog at the prisoners, that I know.

Q Now, you have also identified the accused Maischein.

A Yes.

Q What can you tell the court about Maischein?

A Maischein was an SS Corporal and when I knew him in Dora he was in the dispensary -- in the SS dispensary. He often went into the blocks; with other words, he organised very much. He needed everything. That is how he actually became known, because actually inside the camp he had nothing to do there. The SS dispensary was outside of the camp. I know -- that is, I heard that Maischein was called for special duty in the night to the bunkers. If anything was going on Maischein had to go to the bunker. It couldn't concern prisoners; it must have concerned transports which came from the outside. It did happen that those prisoners who had to work in the crematory had to get out, and the SS -- that is, Maischein among them -- would have something to do in the crematory. What they had to do there one didn't know. When the prisoner Albert Kunze was murdered in the bunker, this was kept

secret from us a very long time. That is, it was never actually admitted. Kunse was a very well known prisoner; that is why the entire camp was interested in him; and Kunse disappeared -- that is, he was burned secretly through Waischein. Waischein was seen that he went to the bunker carrying some kind of a load -- whether it was sacks or straw sacks or what it was, I don't know. The capo of the crematorium, Franz Wuchs, told me that one day Waischein offered him a flier's suit to get rid of -- to sell. This was either an American or an English flying suit. Wuchs had his doubts, however, and didn't have anything to do with this business. Waischein then came to Dottleberode, perhaps in December 1944. What he did there I don't know exactly. I only heard when the prisoners came to Dora for linen that Waischein, so to say, played the camp doctor there. That is all that I have to say about Waischein.

Q Can you tell the court anything more about this combination suit that was either American or English? Have you any idea where Waischein got it?

A That is just what we don't know, but we do know that Waischein was often called at night for secret things to the bunker and we presumed that it is possible that transports of -- that some fliers were secretly killed there.

DR. AUSNER: I make a motion that -- I object to this answer and ask that it be stricken from the record insofar as it concerns the assumption.

PRO KUTTNER: I would like to ask him on what he based it and I suggest that the motion then be made.

Q Will you describe this combination suit to the court that you said Waischein gave this capo to sell?

A I personally did not see these suits. I only know from the capo of the crematory, and he was all right; and one could judge his attitude from the fact that when the secret radio was burned he didn't tell the SS anything about this.

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A I personally did not see these suits. I only know from the capo of the crematory, and he was all right; and one could judge his attitude from the fact that when the secret radio was burned he didn't tell the SS anything about this.

Q Will you tell the court the basis of your assumption that this suit came from a flier who had been killed?

A It is not my assumption. It was general talk in the camp.

PROSECUTION: I ask the court's judgment on the motion to strike. I simply suggest that is just as much hearsay as if it came from a particular individual.

PRESIDENT: The motion of the defense is overruled.

The court will recess for 20 minutes.

(Whereupon the court recessed at 1000 hours.)

(Thereupon the court reconvened at 1330 hours.)

PRESIDENT: The court will come to order.

PRESIDENT: Let the record indicate that all the members of the court are present; the accused and the prosecution are represented by counsel; all of the accused are present; the reporter and interpreter are present. At the end of the last session the witness Krum, was on the stand under direct examination.

Hermann Krumm, called as a witness by the prosecution, resumed the witness stand, and being reminded that he was still under oath, testified further through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q Herr Krumm, is there anything else that you can tell the court about the accused, Boesser in addition to what you have already said?

A I wouldn't know of anything further.

Q Now, you have also identified the accused Boesser and have told the court some things about Boesser.

A Yes.

Q Is there anything that you can tell the court about Boesser that you haven't already said?

A Boesser was also present at the end during the executions in the bunker of the eight prisoners who were shot due to the resistance movement.

Q Tell the court about that. Tell the court about those eight prisoners who were shot in the bunker and why.

A Why they were shot--they had been delivered to the bunker due to the resistance movement, and of these people only a certain August Kronberg came out again and Leinweber. How they were shot and so on, I don't know. The witnesses, that is, those people who came out of there personally can tell about that.

Q How many were shot?

A The last there were to my knowledge eight shot, two of them came out again. Altogether there were ten who had been delivered there from this political action.

Q Who brought them to the bunker?

A In the bunker--Buchring--who else was present I don't know.

Q Who did the shooting, if you know?

A That I also don't know exactly. I only know from the two that remained alive that Weaver was present there.

Q Were any others present there, did you hear?

A No, I don't know.

Q Is there anything else you can tell the court about Weaver?

A Yes, about the transport.

Q We will come to the transport later on. Now you also identified the accused, Hickney?

A Yes.

Q What can you tell the court about Hickney?

A Very little. I only know Hickney very little, and he comparatively did not come to here until very late.

Q Well, tell the court what you do know about him.

A In camp it was general talk that the reports which were made by the camps and the SS people, due to sabotage, were supposed to go to Hickney or through Hickey.

Q Can you tell the court what Hickney did with these reports?

A He was supposed to have passed these reports on to the Gestapo. I don't know that though.

Q Did you know an SS man by the name of Hitz?

A Hitz I did know, but he was an SS first lieutenant as far as I know.

Q What was his first name as far as you know?

A That I don't know.

(Drumm-Direct)

Q Do you know what his place of duty was?

A He was originally in Dora and later on he went to Ellrich.

Q As far as you know, what were Rickney's duties?

A That I don't know exactly because at this time I was not in the tunnel any more. I only know that he was the director general.

Q You have also identified the accused Schmidt. What can you tell the court about Schmidt.

A From prisoners who were there at first, that is, in the summer of 1944 in the bunkers of Nordhausen in the Boelke Kaserne, which was in the territory of the Boelke Kaserne, from these prisoners I heard that Dr. Schmidt was the doctor for the Boelke Kaserne and at the same time for the Gestapo.

PROSECUTION: I am sorry, I don't think the translation was complete--I think that he said "for the Gestapo bunker".

INTERPRETER: In the original one where I said for the "bunkers", it should have been "Gestapo bunkers".

THE WITNESS: There it was said that he never was supposed to have stated the true cause of death. That is all that I know about Schmidt.

QUESTIONS BY PROSECUTION:

Q What were his duties in the Gestapo bunker?

A There he functioned as the doctor.

Q Did you ever hear anything about the manner he performed his duties as doctor in the bunker?

A No, exactly not, but there will be witnesses here who were personally imprisoned there, they can probably give you or this court a better information about this.

Q Did you hear how he performed his duties as doctor in the Boelke Kaserne itself toward the prisoners?

A No, that I don't know also.

Q Now, you also identified the accused, Simon. What can you tell the court about Simon?

A [illegible] was work duty leader. He was for longer period of time responsible for the entire work allocation. He sent prisoners who had a convalescent work slip from the doctor, a slip that they were to do light work or slips for light work. He ignored these slips and sent these people on transports or sent them back to work or sent them down into the tunnel.

PRESIDING JUDGE: I am sorry, I think this I am probably wrong. He said something about quarries.

THE WITNESS: Also into the stone quarry.

QUESTIONS BY PROSECUTION:

Q What else can you tell the court about Stern?

A That he withdrew the rations from the prisoners, that is, outside details, and distributed these rations to the SS and the kapos then and to details who had perhaps performed heavy work.

Q Now, what would he do with these slips that the prisoners got from the doctor?

A What I don't know, but at any rate he didn't pay any attention to these slips.

Q Now, you said he used to send some of these prisoners on transports. Tell the court what kind of transports.

A In February 1944 a transport went to Lublin consisting of a thousand prisoners who had the sign of death upon them already, and Lublin was known as a liquidation camp. On this transport there was two Czechoslovakian prisoner who was known to me, who had formerly had room duty under my supervision. After a few weeks another Czechoslovakian who was in camp received the news from home that this first prisoner had died in Lublin.

Q Who picked out the people or the prisoners who went on the transport?

A The final word--the final decision was up to Stern.

Q What else can you tell the court?

A I can recount another incident which happened down below in the tunnel.

(Drum-Direct)

that a capo by the name of Eugen Weber who was lying in my block beat a Russian in front of the block to death. This capo Weber received a reward from SS Tech Sergeant Simon--two breads and a pound of margarine. When the capo could not remain there any longer due to the excitement of the prisoners, Simon sent him to some outside camp.

Q Now, this incident where Simon rewarded this capo Weber--can you give the court any other instances of the same kind?

A No, a case where somebody was beaten to death, No.

Q Well, do you know of any cases where they weren't beaten to death?

A Simon, during the early period when he was alone, that is when he was the labor allocation leader in his rooms, that is, in his office rooms, he personally beat the prisoners severely.

DR. AHLMER: I object to the translation, the prisoner said that "in the beginning when Simon was the labor allocation leader". The translation should be "labor service leader". The witness said "arbeits dienst leader" and that is "labor service leader" and not "labor allocation leader".

INTERPRETER: The literal translation is "labor duty leader" instead of "labor allocation leader"

PRESIDENT: Very well.

QUESTIONS BY PROSECUTION:

Q What is the difference between "labor duty leader" and "labor allocation leader". Well, the "labor allocation leader" would have perhaps more authority. Later on there was an SS first lieutenant Bell who was labor allocation leader, who was superior to Simon.

Q What is the difference in duties between the two positions?

A That I don't know. There must be witnesses who worked in the work statistics who might be able to define this exactly.

Q What, if any, was Simon's relations ip on re orts on sabotage?

A Simon was labor duty leader and everything that happened during work, he naturally had knowledge thereof. It was said in general, that is, by the capos and so on, that Simon knew about everything that happened; for instance, if a detail had made itself punishable, he was the one that withdrew their rations from these details and, therefore, he must have known about everything that happened.

Q What was Simon's attitude toward so-called intellectuals?

A Simon as well as the other SS people, and I learned this during the entire 10 years, that everyone who could be called in part the intelligensia, that they assigned them to work so that they would disappear as quickly as possible. Intellectuals were not very well liked in the camps.

Q Can you give the court some of the names of the individuals or some of the groups of individuals who were classified as intellectuals?

A We had principally, and this was known in general, particularly later, when we had additions from the occupied countries, mainly France, when professors or any other professions which are to be considered as intellectuals came, that Simon particularly took care of these people and that he sent them either into the tunnel or into the stone quarry, and that was the reason why we lied about the professions.

Q Is there anything else you can tell about Simon?

A I can remember of one incident when two Jehovah Witnesses didn't want to work on a Saturday because it was against their religion, that Simon had them make knee bendings on the roll call field, the father who was 70 years old and the son. The father requested that these hours that he didn't want to work on Saturday--that he would be allowed to make them up through a longer period of work on the other days. That was disapproved. That was not allowed and he was mistreated together with his son. Later on Simon sent these two to the stone quarry at Mutzkater. They had to stand up on the edge of the stone quarry and they didn't get anything to eat or drink.

Simon ordered that the father of these two had to crawl into a stove. That he did. Then he was dragged out again. The son then, due to his hunger, was forced to it and then did work. What happened to these two, I don't know.

DOCTOR AHRENS: I request that this entire testimony about these two Jehovah witnesses and the entire incident be stricken from the record because the mistreatment of German prisoners is not here under trial.

THE WITNESS: These were Russians. They were Russian Jehovah Witnesses.

PRESIDENT: The motion of the defense is overruled.

QUESTIONS BY THE PROSECUTION:

Q What kind of a stove was it that Simon made the father crawl into?

A Supposedly a regular iron stove which was used for heating, but on this particular day it was not being used for heating, but they evidently wanted to start it.

Q Now, is there anything else that you can tell about Simon?

A No. That he had the prisoners beaten; that he himself did beat; that he had the transports; that he assembled the transports.

Q You have also identified the accused Ulbricht.

A Yes.

(Drung-direct)

plc-7B-2

Q What can you tell the court about Ulbricht?

A Ulbricht was the clerk at the detail Rottleberode, but he exceeded his powers as clerk very broadly. He was the clerk. He was the camp eldest and the issuance of death certificates all in one person. When prisoners from Rottleberode came to Nora they told the most terrible stories about Ulbricht. I was particularly interested in Ulbricht in Nora, because Ulbricht couldn't see a Jew. He basically mistreated and beat to death any Jew which crossed his path. I personally am related to a Jewish family and therefore was particularly interested that he continuously through the prisoners down the stairs.

Q What stairs?

A He was supposed to have lived one flight up--I personally was not in Rottleberode. On the other side the prisoners were living. When he then saw a Jew coming up the stairs he through him down.

Q How many steps were there to these stairs?

A That I don't know. I wasn't there.

Q Now you said he beat and killed Jews. Can you give the court some details about these beatings and killings.

A I repeatedly had stories told to me already in Nora that he beat prisoners in the most inhuman manner--particularly Jews--so that they finally died.

Q Was that while he was in Rottleberode only or did it occur before he came to Rottleberode?

A As far as I know only in Rottleberode. I always wanted to look at these bodies, but Rottleberode didn't send us these bodies. Rather they were buried in a cemetery by Gardelegen or in Gardelegen. I had the death certificates shown to me which came from Rottleberode because I couldn't imagine that he would just particularly eat these Jews to death and the

(Trump-direct)

death certificates naturally didn't state "Due to mistreatments", "Due to beating", but they always died of natural causes. Then, later on I asked the Doctor who was there, "Johnny", what was the matter there, if it was actually true that Ulbricht was beating so many prisoners, so many Jews to death? He said, "Yes." I asked him who made out the death certificates. He said that he was functioning there as the prisoner doctor--this "Johnny"--but that he had no influence on the death certificates--that Ulbricht was doing this all alone. He had complete authority there.

Q Did you have a chance to see these death certificates for Jews that came from Rottleberode?

A Yes, I was continuously in the dispensary, that is I was there quite often and I requested that I could see them.

Q Can you tell the court how many death certificates of Jews who died in Rottleberode you saw yourself--an estimate?

A It is very difficult to give an exact number. I don't want to fix any particular number but at any rate it was more than 10.

Q Is there anything else you can tell the court about Ulbricht?

A No.

Q Now you also identified the accused Walenta.

A Yes.

Q Will you tell the court what you knew about Walenta or what you heard about Walenta?

A Walenta, to my knowledge, came to Nora from Ulrich. What he did during the beginning I don't know, but I believe that he was imprisoned in the bunker. I noticed him because he moved around the camp in complete civilian clothes. My attention was also called to Walenta by other prisoners as he didn't wear any kind of a triangle or any sort of a marking. It had to be assumed that he had to act in some private matters in the bunker.

I was once asked by the SS First Lieutenant Moeser why a prisoner

(Drung-direct)

from the bunker wasn't wearing a triangle, a number or any other kind of a marking and he was wearing a shirt with a tie which was something no other prisoner could wear. At that time I promised Kooser that I would make an inquiry and when I once spoke to Valenta about why he wasn't wearing any markings he told me that he had been discharged as a prisoner. He only was not allowed to leave the camp because he was carrying secrets. Valenta was permitted to move around outside the camp with a pass, but how far away I don't know. He also went into the barracks and talked to prisoners about various matters. The thing that was noticeable was that wherever he put in an appearance the next day usually one or two men were called for by the Gestapo.

He also once went into the disponsary with handcuffs and wanted to call for a prisoner there. I believe it was Doctor Cospieva.

For all of us it was clear in the camp that Valenta was a confidence man, a spy for the Gestapo. After my release a prisoner told me, who was personally in the bunker that he personally participated in the beatings which took place in the bunker. I don't know this personally and cannot say anything further about Valenta.

Q Have you anything to add to what you have already told the court about the accused Zwiener whom you previously identified?

A He was the camp eldest and was later on relieved and we sent to the bunker due to the beating to death of a prisoner.

Q Which prisoner was that?

A It was a certain Buehring, a camp interpreter.

Q What was the nationality of this Buehring?

A He was a German.

Q What can you tell the court about Zwiener?

A Later on when he came out of the bunker he became a controller. How they called themselves was work controllers for the entire Mittelbau.

(Krung-direct)

He could move about outside fr ely without a guard.

Q Did you ev r hear of Commando 110?

A Yes.

Q That was that?

A About Detail 110 I am pretty well informed bec use I was the Camp Eldest.

In the winter of 1944 '45 the camp leader, at that time Moeser, had me called to him and explained to me that it was necessary to have an extended camp protection; that is to put together a detail which in the event of catastrophes, in the event that the SS would be called out of the camp if something would happen someplace else. This detail was to keep up the peace and order of the camp.

I received the order from Moeser to name a certain reliable number of prisoners to him. He personally also had prisoner capos who had made themselves worthy of reward in the tunnels.

This detail was put together, that is it was put together. It existed or didn't exist. We didn't know how far it had progressed. We were two groups in this detail and today I may say thist; that at the time the commando leader, at that time Moeser--I introduced people to him as well who were members of the underground movement as well as I--because in this detail if it would have ever been committed we recognized our greatest chance.

I don't know whether it belongs here when I saw that we had our own transmitter and also had weapons ready, because it was clear to us that we would hardly get out in a legal way.

We tried to get people into this detail who were reliable, but reliable for us. There were also other people on this detail, people named by Moeser and only when they went on a transport, that is a few days before, approximately four days before the evacuation.

I had something to do up in the office rooms of Moeser. Moeser was

(Drung-direct)

roll call field and liquidate them."

The prisoners were to be all escorted down into the tunnel and gassed. Hoessler opposed this because he was afraid that too many would escape on the way from the camp to the tunnel. That is why he instituted the rabbit chase.

Stones and cement were lying ready in the tunnel where a wall was to be constructed and they wanted to wall us in there and gass us there. The events occurred so quickly that it wasn't possible to do this anymore. When I had listened to this conversation I stole unnoticed back into the camp, told my circle of friends what actually was supposed to happen with us.

We now placed all our hopes on Jo all 110. Sorry to say, at least for our transport, it happened differently. Those people who were considered reliable by Hoessler, that is reliable for the SS people. These, during the evacuation were sent down to the tunnel. I, even though I knew all about the detail 110 as camp oldest, was picked out for the transport. I then, after I heard that we were supposed to receive white brassards from Hoessler, but after I had received only 36 brassards from Hoessler these were white brassards with a stamp on which it stated "South Head Unit". For us

not in the orderly room, but I heard voices from the room next door. From the voices I could distinguish Moeser, Hoesler--he was First Camp Leader-- & Master Sergeant Brom and SS Technical Sergeant Knittler. It is possible that more were present. It was a so-called leader conference.

The SS First Lieutenant Hoesler was reading or explaining the order of Himmler to the others and literally this order was, "At the approach of the allied troops the SS is to liquidate the prisoners. No prisoner is permitted to fall into the hands of the allies alive."

A lively discussion occurred about the liquidation of these prisoners. The SS First Lieutenant Hoesler said literally--I know it sounds rather strong when I say it here--"It is all 'shit'." "I won't participate in this. If the prisoners are to be sent to the tunnel then we will institute a rabbit chase. We won't have such a big theatre. Assemble them on the

these 88 brassards--that is to escape from the transports--that is why I had false brassards made so that we had approximately 130 brassards--real ones and false ones. When we then went to the transport I personally received from Knittler or I don't remember who, a rifle. I welcomed this very much and when we arrived at the railroad station and I had to stand there for some time, several hours, I sent dozens of the prisoners down into the tunnel to get weapons, so that we were at least 20 to 25 weapon carriers. This, of course, was not enough and in Dettenborn the SS First Lieutenant Moeser saw that so many prisoners were carrying weapons. He had the entire SS assembled on the railroad platform and forbade the SS to give any sort of weapons to the prisoners as the prisoners were already more armed than the SS themselves.

It did happen that individual people gave their pistols to the prisoners and then left because the demoralization was already very large.

Now to the other detail 110 which went with another transport. These were dressed by the SS. They were completely armed and went with a transports at least as escorts, I don't know where to. These were the prisoners who had been picked out by Moeser to be used for a special committment who were down in the tunnel. That was the actual commando 110.

PROSECUTION: Now there came a time, Herr Krung, when you yourself went on a transport?

A Yes.

Q And during the course of that transport, did you have occasion to make some notes of what took place?

A Yes.

And did you write those notes down into this book.

A I made notes of all the death cases which I saw, because I knew what time it was.

Q And do you still have that book?

A Yes, I have the book.

Q Could I see it, please?

Q This is the book about the evacuation of the camp. How many went on transports every day, how many special workers were to be killed before the transport also is stated here, and then how many were killed on our rest periods, on our stations that we stopped, and this is the camp book in which are noted the individual blocks.

Q Do you mind if I offer this to the court as a record in this case, or do you want to keep it?

A No, I have nothing against it. That is the camp book in which the incividual details are noted, and in which block.

(The book referred to was marked Prosecution Exhibit No. 28 for identification.)

Q I now show you Prosecution Exhibit No. 28 for identification and ask you to tell the court again just what this book is supposed to be?

A This is my notebook from the camp where I wrote down some addresses and other things. I used it mainly on the transport and made a note on which day the evacuations started from the camp, made a note

about the places where we stopped, how many dead were there. Up until the day when I personally fled because I was to be shot. One must start from the back and read toward the front, because I personally started at the back.

PROSECUTION: May it please the court, the prosecution offers an exhibit and requests it be received in evidence. This is described by the witness and has previously been marked for identification Prosecution Exhibit 28.

DEFENSE COUNSEL: Defense objects to the introduction of Exhibit 28 into evidence on the ground that it is not the best evidence of the facts contained therein. The witness is on the stand and under the rules of evidence he may refresh his recollection as to what notes he has taken as to what is contained therein, but his second hand report of what he himself saw or heard is a form of hearsay, and there is no reason for relaxing the rules of this court while the witness is on the stand. Furthermore the defense has not had opportunity to examine the exhibit in detail, nor has it been offered for us to examine it.

PRESIDENT: Objection of the defense is over ruled. Prosecution exhibit No. 28 will be admitted to the record for such probative value as the court may see fit to give it.

(The document heretofore marked Prosecution Exhibit No. 28 for identification was received in evidence as Prosecution Exhibit No. 28, is attached hereto, and made a part of the record.)

(A book was marked Prosecution Exhibit 29 for identification.)

PROSECUTION: Now I show you a book marked for identification Exhibit No. 29, and ask you to state again what that is?

A That is the book of the camp eldest where all the blocks are noted down according to numbers. From this book can be seen what type of prisoner was in each individual block, the number of prisoners--that is, the strength--and the detail on which they worked. From this can be seen the strength.

(Krung - direct)

Q In whose handwriting is that; do you know?

A That is in German writing.

Q Do you know who kept the record of that?

A Yes, my clerk did that.

Q Under whose supervision?

A Under my supervision; I needed that book every day for control.

PROSECUTION: The prosecution asks that this book, marked for identification Exhibit 29, be now received in evidence as Prosecution Exhibit No. 29.

DEFENSE COUNSEL: Defense would like to repeat its objection to the introduction of Exhibit 29, on the ground it is not the best evidence of the matter contained therein. The witness is on the stand and can testify as to matters in the book and use the book to refresh his recollection according to the ordinary rules of evidence. And on the further ground that the defense has not had an opportunity to examine the contents thereof.

PRESIDENT: The objection of the defense is overruled and Prosecution Exhibit No. 29 will be admitted to the record for such probative value as the court may see fit to give it.

(The document heretofore marked Prosecution Exhibit No. 29 for identification was received in evidence as Prosecution Exhibit No. 29, is attached hereto and made a part of the record.)

PROSECUTION: Now, Herr Drung, I will ask you to refer to Prosecution Exhibit No. 29, as necessary. Only as necessary. Will you tell the court how many blocks there were at Dora?

A There were 58 living barracks. Then there were the supply rooms, the magazines, and administrative buildings.

Q Now, referring only to the living quarters. There were 58, you say. Can you refer to this book and pick out a few samples of blocks and tell the court who lived in these blocks, what nationalities the

roup of people there were that worked?

A We had block No. 2, prisoners of war, Russians, worked a detail in the tunnel. Strength, 200. Block 3, work detail, German equipment works, working in shop. Strength 216.

Q What was their nationality?

A All nationalities.

Q What is the next one?

A Block 18, consisting of 446 prisoners of war; Italians.

Q What was the date of that entry on the one you just read, about the Italian prisoners of war?

A This book was kept until the evacuation on the 4th of April, 1945, and is from the first day on until the fourth of April, 1945, until this day it was kept.

Q What was the date of the first entry in the book?

A Every night the number was erased and the new strength was entered. For me it was a rollcall book.

Q All right; continue. What is the next one after the Italian prisoners of war?

A The individual blocks are entered. The tailor shop, the shoemaker shop, the Sawatski detail.

Q Did you have special blocks for Russians?

A Yes. We had in Dora only one and that was Block No. 2.

Q Did you have special blocks for Jews?

A Yes, we have here a Jewish block. I think it was 139, but I am not sure. 139, strength 282. Sawatski. Jews.

Q What did that mean?

A Well, Sawatski was the name of the detail which worked down in the tunnel.

Q Well, are there any other blocks in there that might be especially interesting?

(Crung - direct)

A No.

Q Was there a special block for prisoners who worked in the quarry?

A No, we only had the block No. 25 which was the punishment block.

Q How many people were in that block on the last time an entry was made?

A 403.

Q And what work were these people doing?

A They worked in the garden, they had to perform penal work, distributing manure.

Q Now have you a record there of a group of Frenchmen who came to Dora?

A No. The Frenchmen we distributed immediately to the various blocks for definite reasons.

Q What was that?

A In order to prevent any disturbances because these were mostly high officers and officials who had come from France.

Q Now there came a time, Herr Grunn, when you went on a transport. Describe for the court— this will take some time, your honor.

PRESIDENT: The court will recess until 1330 hours.

(Whereupon the court recessed at 1150 hours.)

AFTERNOON SESSION

(Whereupon the court reconvened at 1330 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all members of the court are present, the prosecution and defense are represented by counsel, all of the accused are present, the reporter and interpreter are present.

At the end of the last session the witness Drung was on the stand and under direct examination.

PRESIDENT: The witness is reminded that he is still under oath.

ROMAN DRUNG, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, continued to testify through an interpreter as follows:

DIRECT EXAMINATION (continued)

QUESTIONS BY PROSECUTION (continued):

Q Herr Drung, at the end of the last session or sometime before you stated that you left Dora on a transport. Will you tell the court just what preparations were made for the transport, what food you were given and so on?

A I believe it was on the first of April when the first transport left Dora.

PROSECUTION: I am sorry. I think the witness said "4th."

INTERPRETER TSILY GREEN: 4th. I am sorry. It is 4th of April.

A (continued) I believe it was the 4th of April when the first transport left Dora. It must be noted in the book.

Q Herr Drung, before we go on to the transport, there is one other thing. You talked about beatings at Dora. Was there some particular instrument or apparatus that was used sometimes in connection with beatings?

A Yes, there was a wooden led book.

Q Have you seen such an instrument within the recent past in this building?

A Yes.

Q Is that one that you have seen in this building like the book that was used at Dora?

A Approximately the same; only this one is higher. The one that was used at Dora was lower.

Q Are there any other differences?

A Actually, no.

Q I will ask you to look at this piece of apparatus here and tell the court whether or not that is like the book that was used at Dora.

A Only that it was quite lower and it was a little more comfortable for lying down.

Q How much lower was it?

A Perhaps 15 centimeters.

Q And how was it made more comfortable in Dora for use?

A I mean it was a little more hollow than this one.

Q What part of the apparatus was a little bit more hollow at Dora?

A Here, this (indicating), where one was lying on.

Q Now, outside of those two differences, is that otherwise the same as the book used at Dora?

A Well, they were practically all the same in all the camps.

PROSECUTION: May it please the court, I would like to introduce that instrument into the record as Prosecution's Exhibit P-30, with permission at the end of the case to withdraw it and substitute photographs.

Does the defense care to examine it first?

Will the reporter mark it, please?

(The whipping book referred to was marked Prosecution's Exhibit P-30 for identification.)

PROSECUTION: May it please the court to rule on the request.

PRESIDENT: Prosecution's Exhibit P-30 will be admitted in evidence and permission is given to withdraw it at the conclusion of the trial.

(DRUCE-Direct)

PROSECUTION: With permission to substitute photographs?

PRESIDENT: With permission to substitute a photograph.

(The whipping book heretofore marked Prosecution's Exhibit P-30 for identification was received in evidence as Prosecution's Exhibit P-30. Photographs thereof will be attached hereto and made a part of the record.)

Q Now, Herr Drung, it is a long time since you had a chance to [illegible] fatten up, but do you think you could show the court how that worked?

A Yes.

Q Will you please do so?

A One had to lie down like this. (Demonstrating.) There one would be held, tied, and in back one or two SS people were standing and were beating, and one had to count along aloud.

Q You mean the prisoner had to take count of how many time he was beaten?

A One had to count along aloud and if one didn't start crying or -- and they became very angry and then said it was wrong and they started from the beginning again.

PROSECUTION: Let the record indicate that the witness is illustrating the procedure by inserting his feet in a sort of a slot at the bottom of this book and illustrated by bending over the top section of it.

A (continued) After the ending of the punishment one had to get out of the book and report: "Prisoner number so and so punished with so and so many blows."

Q Now let's go back to the transport.

A Shall I begin?

Q Please.

A Before the transport provisions were driven to the station, to the railroad station, by means of trucks. Every prisoner was to receive one bread and a tin can. If this happened with the other transports -- if they

received this, I don't know. I left Dora with the last transport. And when we arrived at the railroad station it was established that only a part of the prisoners had food. What happened to the rest I don't know. Supposedly the entire quantity was sent down. At the railroad station already there was so-called panic among the prisoners. We then rode from Dora -- my transport consisted of something more than 4000 -- up to Ellrich. In Ellrich was the first time that we stopped. That was the next day around noon.

Q Stop a minute here and tell the court in what kind of trains you rode, how many were in each wagon, and who was in charge.

A We were loaded on to baggage cars; some of them were open and some of them were closed. In one car there were 60 to 100 to 120 prisoners.

Q What would make the difference?

A That is just how it happened, how these cars were loaded there. Everything went very quickly. We were loaded or very quickly. It was done in a hurry, and as nothing was said as many as possible were pushed onto one car.

Q Who was in charge?

A Our transport leader was SS First Lieutenant Goser.

Q Well, now, continue with your story, Herr Bruns, and where necessary please refer to Prosecution's Exhibit 25. (Handing Prosecution's Exhibit T-25 to the witness.)

A Therefor we left Dora very late at night, because continuously low flying pursuit planes were circling and we needed the whole night to go the short distance to Ellrich. In Ellrich we arrived the next morning early. At the railroad station in Ellrich there was a railroad car standing full of prisoners. This railroad car SS Master Sergeant Brinkmann had left there when he took his transport out.

Q Is that Brinkmann the same Brinkmann who is the accused in this case?

received this, I don't know. I left Dora with the next transport. And when we arrived at the railroad station it was established that only a part of the prisoners had food. What happened to the rest I don't know. Supposedly the entire quantity was sent down. At the railroad station already there was so-called panic among the prisoners. We then rode from Dora -- my transport consisted of something more than 4000 -- up to Ellrich. In Ellrich was the first time that we stopped. That was the next day around noon.

Q Stop a minute here and tell the court in what kind of trains you rode, how many were in each wagon, and who was in charge.

A We were loaded on to baggage cars; some of them were open and some of them were closed. In one car there were 80 to 100 to 120 prisoners.

Q What would make the difference?

A That is just how it happened, how these cars were loaded there. Everything went very quickly. We were loaded or very quickly. It was done in a hurry, and as nothing was said as many as possible were pushed onto one car.

Q Who was in charge?

A Our transport leader was SS First Lieutenant Moser.

Q Well, now, continue with your story, Herr Krung, and where necessary please refer to Prosecution's Exhibit 28. (Handing Prosecution's Exhibit D-28 to the witness.)

A Therefor we left Dora very late at night, because continuously low flying pursuit planes were circling and we needed the whole night to go the short distance to Ellrich. In Ellrich we arrived the next morning early. At the railroad station in Ellrich there was a railroad car standing full of prisoners. This railroad car SS Master Sergeant Brinkmann had left there when he took his transport out.

Q Is that Brinkmann the same Brinkmann who is the accused in this case?

A Yes.

Q Continue, plea .

A From this railroad car terrible cries were heard. Individual prisoners then went up to this railroad car. It was a sort of a Belgian railroad car; there were wooden slats at the windows. We asked the prisoners what was the matter, because they were screaming so loudly. Individual ones were already dead. They told us that they came from Ellrich -- that they had been left there; they had not received anything to eat or anything to drink. In this car cannibalism had happened. Individual prisoners had started to eat those prisoners who were already half dead and cut out pieces from their flesh. The -- arrived then and shot every one of the prisoners.

Q Who did the shooting?

A That I don't know exactly. I only know that Master Sergeant Brom was present, and as transport leader Hoeser must have given the order for the shooting.

Q How many were killed?

A There were 2[illegible] prisoners.

Q What happened after that?

A We had to bury these prisoners immediately in Ellrich, right next to the railroad tracks.

Q Who gave the order to bury them?

A That I can't remember exactly today.

Q All right, please, what next?

A Then we rode on until Nettenborn. In Nettenborn we had to wait one night and one and a half days, because allegedly the railroad tracks had been destroyed several stations ahead of us due to bombing attacks. After we had one night and one day behind us in Nettenborn the prisoners were very hungry and also very thirsty, and particularly those who hadn't received any food for the transport. I then went to Master Sergeant Hoeser and requested him to give the prisoners something to eat. He told

me that the prisoners had been fully provided with food. It is possible that he didn't know better. He sent me to the chief who had the provision railroad car under his supervision -- that was Staff Sergeant Thevison. I negotiated for a longer period of time with SS Staff Sergeant Thevison. Thereupon he drove back to Dora with the truck and was going to get some more food. He couldn't do anything there any more because the armed forces had already taken over the camp. Finally he said that he was willing to give every prisoner a half a can of sausage. From this most of them received -- had a terrible thirst, because there was no bread there. We then saw to it that the prisoners received something to drink and that we would have a certain amount of peace. The next day in Bettenborn I was told by SS First Lieutenant Woeser that we will probably have to go on from there on foot. I told him that we had about four to five hundred sick people and what should happen to these? He told me literally, "They will be liquidated." I told him that in consideration of the sound of the common fire of the Americans he had enough courage for this and if he wouldn't be afraid that the rest of us would mutiny. He told me literally, "We still have enough machineguns in order to bring reason to the prisoners." Thereupon, as a result of this conversation with him, he had the SS assemble and told them that the prisoners were already getting fresh and he forbade the SS to give the prisoners any kind of weapons. He had determined that the prisoners were carrying a lot of weapons. In Bettenborn in the night -- we were only one night in Bettenborn -- a great amount of shooting took place. We didn't know what was the matter because we were not permitted to get out of the railroad cars, but we took it for granted that it was a mass attempt at escape. The next day, the next morning in the third railroad car behind the locomotive there were 86 dead bodies, all from shots. We had to bury these dead in the forest, perhaps 80 meters away from the railroad tracks. The prisoners' doctor, Dr. Cespiva, had to pick out a place where these dead were to be buried so

that the vicinity, the neighborhood, would not be tainted from these prisoners. It had to lie somewhat higher. We then, toward noon, rode on from Dettenborn and made another stop in Herzberg. We arrived at Osterode Sunday morning. I was called and 1st First Lieutenant Koeser informed that from now on we would go on foot; the sick people would be taken care of; they were going to be placed in an empty camp in Osterode. At the depot there was a Red Cross station. I went to the chief nurse and told her that here a couple of hundred of sick prisoners were going to remain behind; she should ask the staff doctor to see that nothing should happen here because I was afraid that these prisoners were going to be shot. She didn't believe me, that are simply sick prisoners. And I returned. I received the order from Koeser to go along the railroad cars and interpret to the various nationalities that everyone who couldn't walk was to remain behind because we were going to continue on foot. A French prisoner doctor went along with me who interpreted for the French and Belgian prisoners. I told these people that every one who couldn't walk should remain behind because otherwise they would be shot. I did that of my own accord because I know about the secret order.

Q What secret order?

A I mean Himmler's order, his secret order that no prisoner was to get into the hands of the allies alive because it was said that who can't walk will be shot. It was still foggy in the morning and the SS urged us on because they were afraid that if the fog would lift that we would be subject to bombing attacks. The order came to unload. The prisoners who had been in these railroad cars for days shoved together were naturally stiff in their muscles, and when the first ones jumped down off the railroad cars, it was very high, it was outside of the railroad station, they fell down. Immediately the SS started to shoot, therefore, a panic started even among the sick prisoners, and many prisoners who perhaps would have remained behind in Osterode preferred to go along on the transport because they were afraid that they would be shot there at the railroad station in Osterode. A total of 35 prisoners were shot.

Q By whom?

A From the SS.

Q And who was the leader of the SS?

A SS First Lieutenant Moser. The SS then ordered us into groups. We then had to get handcarts from the village, and had to load their baggage, suitcases, etc., and pull it. After we had looked into the provisions car we saw that there was an enormous quantity of food still present there, also wine, champaigne, and whiskey was there. We then started to move under continuous shooting, and it was said it was the march to Gusslar. Those prisoners which could not walk any longer were shot immediately before we left the village of Osterode. The prisoners of the clothing supply room had still remained because they couldn't do it so fast. SS First Lieutenant Moser came back with his bicycle, scolded tremendously why they weren't finished as yet, and immediately shot a Pole through the head. The Pole made a quick turn and fell immediately into the water ditch. On the way from Osterode to Klausstasillefeld it was then said that we were not going

for Oesser and complained to him about these shootings, because we had such weak prisoners who couldn't go along, we loaded them on the baggage carts where we were pulling the baggage of the SS. They mulled down these physically weak prisoners and shot them. I loudly expressed my feelings and scolded and tried to get in touch with SS First Lieutenant Oesser, and went up toward the front.. One SS man who will probably be tried here later told me that, "it will probably happen to you, too". He personally shot after us twice. I described the conditions to Oesser what was happening there at the rear. He didn't react at all but continued to go on. In Oeka itself when we arrived there in the evening we had to remain standing on the street. I was together with a group of 20 prisoners and we decided to escape in Oeka as we knew that it wouldn't go too well with us anymore. We hid ourselves in a barn in Oeka. There were three SS people with us, and we gave them whiskey until they became unconscious from drunkenness and went to sleep in a stall.

(Dr. -Barsot)

to Gossler but to Ocka. We arrived in Ocka the evening at 11:30.

Q How many days were you on the march by that time or on the transport?

A I can't remember exactly. We left on the 6th of April. We would have to look into the calender to look at it exactly. I don't know exactly what day of the week it was, but on Sunday night we arrived in Ocka. It must have been the third or the fourth day--I am not exactly sure. On the way to Osterode to Ocka 72 prisoners altogether were shot.

Q By whom?

A What I saw outside of SS First Lieutenant Boesser, Master Sergeant Brunn and Tech Sergeant Knittler participated, the others I don't know.

Q How many of these 72 did Boesser shoot?

A That I don't know exactly, at the very end I was the last one on this transport.

Q Can you give an estimate?

A That is very difficult for me to say. Once on the way I looked

During the night the transport went on and they called for me in loud voices in the street. We remained quiet, and the next morning when we got up the transport had already left. I then went together with the 2b prisoners and the SS people on foot. I explained to the SS that we were going to follow them on foot in the direction of Bergen Belsen. I led that in such a manner as I know this district very well as it is my home, that within two days we passed the American lines. After we had passed the American lines, two of the SS people ran away, and the one we took along into the American lines. It was the SS Staff Sergeant Mueller. Because he had conducted himself decently on the transport towards us, we also didn't betray him. We procured civilian clothing for him so that he could get away. What happened to the other transport I don't know. Then and later that they went to Ravensbrueck and to Bergen Belsen, and that is all I have to say about that.

Q How many days had you been on the transport from the time you left Dora until the time you escaped?

A If I can look here perhaps I could find out. Well, we left Dora on the 6th, and were in Celle on the 8th in the evening, and the transport, as I heard from other prisoners later on after the liberation was on the way for 9 days.

Q Now, Herr Drum, these figures that you have, 72 and 27 or whatever they were, prisoners that escaped at one place or another, do you have all those figures in that book?

A Yes.

Q And when did you write them down?

A Every day, and as I noted here, the camp on the 4th of April, evacuated. I wrote every day.

Q You counted the prisoners that were killed--how did you get the figures?

A Well, I went as the very last at the rear. This interested me as

well as the only eldest to know about the strength of the transport because if we would have gone into any camp, it was always this way that the only eldest wanted to know the strength of the camp. I counted all the dead who were shot on the way.

Q Now, did any others die for any other reason?

A No, all shot wounds.

Q How many were shot altogether as far as you know?

A From Ostorode until Soka 72 total were shot. In Osterode during the unloading 18. From the place here the unloading occurred up to the end of the town 17, and the rest at various intervals up to Soka, that is approximately 38 kilometers. On the way we borrowed shovels, spades, and pick axes from the natives. We wanted to bury the dead, but we remained too far behind from the transport, and we were forbidden to take care of the burial so that we should be closer to the transport in one big heap.

Q Where was the last you saw Herr Drum on the transport?

A I saw him the last time shortly before Soka, shortly before we arrived in Soka. That was on the [illegible]-on this last Sunday.

Q Now, Herr Drum, is there anything that you can think of to tell this court about anyone of the accused which you have not told us to this time that you can remember?

A At the moment I couldn't think of anything.

PROSECUTION: Your witness.
DR. AMELING: For the accused, Stamm.
CROSS EXAMINATION

QUESTIONED BY DR. AMELING:

Q Mr. Drum, when did the accused come to Soka as far as you know? The accused Stamm?

A In my opinion I cannot give the exact date--in the winter of 1943-1944.

Q Where did he have his office in Soka?

(Drum-cross)

A If one enters the camp on the right in the barracks.

Q Will you please show us on Prosecution Exhibit 22 where this was?

A If this is supposed to be the entrance to the camp (indicating)—

DR. AUBIN: Let the record show that the witness is pointing to a street which ends at the protective custody camp, and is designated by the word "entrance".

THE WITNESS: So this barracks was where the labor allocation was, to the right of the entrance.

DR. AUBIN: Let the record show that the witness points to a barracks designated as "labor allocation" on Prosecution Exhibit P-22 which is to the right of the entrance to the camp.

QUESTIONS BY DR. AUBIN:

Q Did Simon have his office there during the entire time that he was in Dora?

A In the tunnel there was also a certain labor allocation, if Simon kept office hours there, I don't know.

Q How long did you personally work in the tunnel, Mr. Drum?

A From my arrival until the middle of May which would be approximately four and a half months in my estimation.

Q Did you during this time see the accused Simon in the tunnel?

A In the tunnel I did see Simon.

Q Can you give an estimation of approximately how often this was?

A That I cannot.

Q You said on direct examination that Simon took the slips from the prisoners which they had for convalescence—convalescent slips—took those slips away from them and sent them on transports or sent them to work some place, is that right?

A Yes.

A If one enters the camp on the right in the barracks.

Q Will you please show us on Prosecution Exhibit 28 where this was?

A If this is supposed to be the entrance to the camp (indicating)—

DR. AUSCHWITZ: Let the record show that the witness is pointing to a street which ends at the protective custody camp, and is designated by the word "entrance".

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A Yes.

(Mr. [illegible])

Q Did you ever see this personally?

A I did, and even later I was the block eldest and later on the camp eldest. We were allowed to have people work in the rooms for room service who were half criminals, and we had to go to the roll call field with these people doing room duty, then Simon came along to these people performing room duty and who had these slips for light work, these convalescent slips for light work, and he took them away from them.

Q And what happened to these people who were performing room duty?

A They were then placed back into the work process.

Q When did you see this for the first time?

A There I saw it directly--I was up in the camp already in the summer of 1944.

Q Isn't it fact that often these people who performed room duty were exchanged for people who were weaker, with permission of the doctor?

A Yes, that is possible, but there were people performing room duty that had a continuous convalescent slip.

Q Can you name us any one definite prisoner from whom Simon took this convalescent slip and then sent him to work?

A That happened so often that if I would name any particular name here I would have to be lying and I am standing under oath and I do not want to do that.

Q You said before that you observed such incident in the summer of 1944. Isn't it a fact that at the time the 2nd Lt. Kurz was already the labor allocation leader in Dora?

A When Kurz arrived I also don't know definitely. I only know that Simon was present.

Q But it is correct that from the summer of 1944 the labor allocation leader was SS 2nd Lt. Kurz, is that correct?

A I have said once before that Kurz--I don't remember when he came--after him Kurz and Sell was there, but particularly when Sell was there, Sell was such a dumbhead that the entire labor commitment had to be done by Simon.

Q But isn't it a fact that SS 2nd Lt. Kurz and later on SS 1st Lt. Sell was the labor allocation leader?

A That it is a fact is correct. I have already stated this in my direct examination.

Q Mr. Grunz, you spoke last week under direct examination and even today about the fact that even entire details had their rations withdrawn by Simon. Isn't it a fact that this punishment for an entire detail was issued by the camp commander?

A The camp commander would not have known anything about this entire

incident if it had not been reported to him by the labor allocation leader Simon.

Q Please answer my question. Isn't it a fact that the punishment was issued by the camp commander?

A Who issued the punishment I don't know.

Q So you also do not know if Simon issued it?

A I only know that the rations portions were with him and that he distributed them.

Q Don't you also know that this sort of punishment had generally been discussed with the camp doctors?

A I hardly believe that our camp doctors would have agreed with this type of punishment, as far as I knew.

Q Isn't it a fact that such a collective punishment was issued when an entire detail stopped work one hour before the end of the working period?

A That is possible, but I don't know if they were punished for this.

Q You said that the punishment was the withholding of rations every two days?

A Yes.

Q Did these details then, every second day, receive no food whatsoever?

A To my best knowledge and conscience, I cannot say if they did not receive the noon day meal.

Q And you also cannot say if these details who were being punished did not also receive their bread?

A They did not receive the bread. And the portions of cheese, marmalade, and margerine they also did not receive.

Q Are you certain about the bread?

A I know this exactly, because for a long period of time I was

(Trung - cross)

block eldest and then I was camp eldest--that I some times received these portions for distribution.

Q And under these portions which you received for distribution there was also bread among them?

A There was bread there.

Q And the distribution was made to those details who had conducted themselves properly and had to work hard; is that right?

A I received these instructions from the camp administration to capos and so forth.

Q When you say that you received instructions from the camp administration, who do you mean?

A Mostly the roll-call leaders.

Q In other words, you did not receive the instructions from Simon, is that correct?

A I had very little to do with Simon.

Q Well, you didn't receive the instructions from Simon, is that correct?

A That is right.

Q Mr. Brung, you spoke about a transport of 1000 prisoners to Lublin and you said that these prisoners already partly had the sign of death upon them. Is that right?

A Yes.

Q So you want to say with that that this was a so-called invalid transport?

A If they were invalids? Well, they were physically weak prisoners.

Q Isn't it a fact that the decision for such transports was made exclusively by the camp physician in combination with the protective custody leader?

A If the protective custody leader had anything to do with this

I do not know. The doctor, perhaps.

Q You spoke of an incident with the capo "eber"

A Yes.

Q You said that Weber received two loaves of bread and one pound of margerine as reward for having beaten a Pole to death. Did you personally see that Weber received these two loaves of bread and this one pound of margerine from Simon?

A I was not present but Weber was lying in my block and on the basis of this incident he was called upstairs and not for the purpose of punishment, but but he came downstairs with two loaves of bread and one pound of margerine. He explained not only to me but to other prisoners who were present that he had received this from SS Tech Sgt. Simon.

Q When was this?

A I don't know that so exactly but in any event it was in the spring of 1944.

Q Can you explain how it happened that Simon should have had this food at his disposal at this time?

A Yes, because details were continuously being punished and also individual prisoners were being punished.

PRESIDENT: The court will recess for fifteen minutes.

(Whereupon the court recessed at 1445 hours.)

(The court reconvened at 1500 hours.)

PRESIDENT: The court will come to order.

CAPT. RYAN: If it pleases the court, let the record show that all members of the court are present, counsel for the prosecution and counsel for the defense, including German counsel, and all the accused, are present, the interpreter and the reporter are present. At the close of the last session Mr. Brung, the witness, was being cross examined by Dr. Aschenauer.

ROMAN BRUNG, called as a witness by the prosecution, having been previously sworn, resumed the stand and testified further through an interpreter as follows:

PRESIDENT: The witness is reminded he is still under oath.

WITNESS: Yes, sir.

CROSS EXAMINATION (continued)

QUESTIONS BY DR. AHELMEK:

Q Mr. Drung, when for the first time did you enter the office of the labor allocation leader or labor commitment leader?

A I can't tell you this exactly because I had very little to do with labor allocation.

Q Can you give an approximate estimate?

A Even that I can't tell you, when it was, because I did not have any personal contact with the labor allocation leader.

Q Did you ever enter the office of the labor allocation leader or labor commitment leader during the time when you were working in the tunnels?

A No.

Q Then you cannot say that during that time Simon was beating prisoners?

A I know that the former camp eldest, Schimscheck, who afterwards was capo of labor statistics, and that the former prisoner who afterwards was block eldest, Schimscheck, that he was working in the office of Simon, that they did beat people by directive of Simon and also that Simon beat them himself.

Q Did these two prisoners that you just mentioned, did they tell it to you themselves?

A It was so well known in the camp who were the people that did the beatings, because so many people were being beaten every day that every prisoner knew it.

Q Will you please answer my question? Did these tow prisoners that you mentioned before, tell you that themselves?

A Not only to me but it was talked about in general and it also was seen by other prisoners.

Q Then these two prisoners did tell you that themselves, is that correct?

A Not only to me. It was being talked about generally and they themselves said it.

Q And during that time you were camp eldest?

A I only became camp eldest in January 1945.

Q And prior to that time what were you then?

A I was block eldest in the tunnel and afterwards I was block eldest in No. 105.

Q Didn't you complain to these two prisoners who were working in the labor statistics office because they were beating other prisoners?

A Then, at that time, I was a little man as a block eldest and if I had said anything to [illegible] about that then I would have had to figure that he definitely would tell it to SS Tech. Sgt. Simon.

Q You say SS Tech Sgt. Simon. As of which day was he a tech sergeant?

A I don't know exactly when he was promoted.

Q Didn't you hear anything about the fact that at the time when 1st Lt. Furr was there Simon called the capos together and ordered them to report any incident where civilian workers would beat prisoners?

A About that I did not hear anything. And even if that should be true, why in turn then would the civilian workers continue beating the prisoners, if that was forbidden?

Q Were there ever cases where civilians were being punished because they had beaten prisoners?

A I do not know whether it was on account of beating, I only know that civilians were being punished on account of black-marketing with the prisoners.

(Crum - cross) -379-

Q What was the procedure when a prisoner arrived in Dora and was assigned? to work? Who did that?

A The situation, to tell it to you exactly, was approximately the following: Sinna, after all was in contact with the work administration down below and if the work administration said that at a certain time in a certain tunnel the machines had to be running, so Sinna accordingly with his labor allocation--and he did not care with what means this was being done--so when new arrivals came to the camp they had, after they were finished processing in a political department, they had to assemble on the rollcall ground, then came Sinna and called the prisoners from the work statistics over and then Sinna said,"I need that many prisoners for that tunnel". And then they were being picked.

Q Who conducted the picking?

A Simon together with the personnel from the Labor Statistics.

Q Did you yourself already see a procedure like this?

A At first I was among them myself when I arrived there and then I was present several times when I was up above the camp.

Q Isn't it a factthat the prisoners were being examined as to their physical capability of working?

A Also that happened that a physician was present, but there was no talk of an examination. They were just looked over.

Q And based upon that looking over the physician would say whether somebody is capable of working or not, is that correct?

A Whether the physician declared somebody capable of not or not capable of working I do not know.

Q In case of new arrivals there was a separate card made for each prisoner is that correct?

A Each prisoner had several file cards. One was in the political department, one was in the Labor Statistics and one was in the dispensary.

Q And for each single prisoner on the file card in the labor statics office there was his occupation noted down, is that right?

A As far as they were not falsified they were correct?

Q Based upon a notation on the file card in the labor statistics office these people were assigned to work, is that correct?

A One didn't care about the occupation of the individual prisoner. The only decisive thing was the requirements in the tunnel.

Q And the decision for the individual prisoner to assign him to work was not being done by Simon but by the prisoners who worked in the Labor Statistics Office, is that correct?

A I don't believe that these were the decisions of the prisoners in the Labor Statistics Office, but they only had to assign them to work

(Irung-cross)

according to the orders or directives of the Labor Commitment Leader.

Q Mr. Drung do you want to tell this court that Simon stated for each individual prisoner, for instance for prisoner Meyer when he would be assigned to this kind of work and for the prisoner Mueller that he would be assigned to this kind of work, is that correct?

A That would be exaggerated if I wanted to say that, because Simon did not tell or deal with individual prisoners or names he only said,"I need that many prisoners for this kind of work detail and I need that many prisoners for this kind of work detail.", etc.

Q Who was it who assigned these prisoners for the various work details?

A After they had been selected according to whether they could still stand up or whether they had to lay down after they had been selected. Simon was there when these prisoners from the work statistics took down the various numbers of the prisoners because the prisoners there had numbers.

Q Do I understand you correctly that that was the way it was in the first labor assignment?

A I would know that it was not different at any other time.

Q Do you want to say by that that Simon was every day at the roll call place and personally conducted the assignments?

A Transports didn't arrive every day and in addition to that no prisoners were allowed to assume so much authority to assign work details.

Q Wasn't it a case of prisoners who had already been picked in other concentration camps for transportation to Dora?

A Yes. There were prisoners who had come from other camps and who were destined for Dora, but it is very seldom. I know it, for instance, that Simon or the camp staff would complain if those prisoners who they themselves had selected in other camps had not arrived.

(Drung-cross)

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(Drung-cross)

Q How big was the apparatus that was called Labor Statistics in Dora?

A It was very much extended. I estimate that six, eight or ten prisoners were working there.

Q Isn't it a fact that there were 45 prisoners there?

A Maybe including the labor assignment offices in the tunnels that may be possible.

Q And those labor assignment offices in the tunnels also consisted of prisoners, is that correct?

A There also were prisoners there.

Q You stated that the occupations of the prisoners had been falsified, is that correct?

A Partly.

Q What was the reason for this falsification?

A What mainly happened shortly before the end of the war and it mainly concerned Frenchmen. As a matter of fact for those Frenchmen who were very old and were officers of the illegal movement.

Q Last week already you stated that there were English officers of the airforce in Dora?

A I did not say that I only said that "Johnny" was an American citizen and had parachuted down from his plane in an emergency.

Q Didn't you also speak of other members of the airforce which had jumped out over France?

A I had said that they were officers who after the occupation of France by Germany had gone to England and then did service with the English Airforce.

Q So, do I understand you correctly that they were not English but Frenchmen?

A Yes.

(Drung-cross)

Q Those Frenchmen parachuted down over France in order to support or aid the resistance movement?

A Whether they wanted to support the resistance movement I do not know, but I recall one case, a colonel, who had jumped out over France in order to go to his family and was caught doing that.

Q Then he did not enter French territory as a soldier, but as a private citizen is that correct?

A He told me that he had parachuted down in uniform because I was surprised what he was doing in our camp, therefore I had a conversation with him at great length.

Q Did he also tell you that he had previously been sorted out from those groups of prisoners who were prisoners of war?

A I did not understand the question.

Q Did he tell you that prior to that he had been in a prisoner of war camp?

A No, he didn't say that.

Q You spoke of an incident of two Russian Jehovah Witnesses?

A Yes.

Q Could they have been Russian adventists?

A That is possible because I do not know the various sects so well. I do not know when their holidays are.

Q Isn't it a fact that the camp commander had them transferred to a different detail after they had refused to work on Saturday afternoon so that this incident would not set a precedent?

A That is possible that he ordered that, but I believe that for about 8 days they had received mistreatment.

Q You mean they were being mistreated in the stone quarry?

A Not only that, but also they were standing for quite some time--I don't know exactly how long--at the roll call ground.

(Trung-cross)

Q But you do not know who it was who had given the order that these people had to stand at the roll call ground and after they had to stand at the stone quarry, is that correct?

A Who had ordered it--everything that had connection with work had to go through Simon.

Q You didn't finish your sentence. Did you want to say who had ordered it you don't know?

A That they had to stand on the roll call ground I do not know, but that they had to go to the stone quarry, that was Simon.

Q In other words you want to say that it is not true that the camp commander had ordered that these people go to the stone quarry?

A The Capo Mueller from the stone quarry who was at that time capo told me that the order had originated with Simon.

Q Did he also tell you that he himself personally had heard that Simon had given that order?

A That he did not say, but he did tell me that he had been ordered that these two prisoners, father and son, would not receive anything to eat.

Q And that they would not receive anything to eat for such a long time until they would start working again?

A That is correct.

Q You said that Simon basically was opposed to intellectualists. Isn't it a fact that the personnel of the Labor Statistics consisted mainly of the intellectuals?

A Those that were helpful to him, yes. That is correct, because without the labor statistics he could not have done anything at all.

Q Did you yourself observe that Simon assigned somebody to specially hard work for the mere reason that he was an intellectual?

A No.

(Trung-cross)

DOCTOR AHLIN: Cross examination on behalf of the accused Maischein.

Q Mr. Trung, you were talking about the fact that Maischein several times had been ordered to the bunker and the crematory at night, is that correct?

A Yes.

Q Did you yourself ever see Maischein go to the bunker for the crematory at night?

A I myself? No, but it was generally know in the camp.

Q Mr. Trung didn't you ever find out that things that were generally known in camp not always were correct?

A It depends what prisoner tells you something and we in the camp probably knew more inside the camp than the whole civilian population outside.

Q For instance, where did you learn that Maischein at night would go to the bunker and the crematory?

A Well, we had the two camp doctors who both were SS men but who were opposed to things in the camp to such an extent that the SD, the Security Service was after them.

Q By that do you want to say that one of the camp Doctors told you that?

A Not to me, but generally speaking they were talking of things which were not correct, which were not proper.

Q What connection has this answer with respect to Maischein?

A The connection is that due to the fact that these SS Doctors were talking about it Maischein had some kind of secret function.

Q By that you want to say today that this was talk of the camp, but you don't know who you heard it from and where you heard it from, is that correct?

(Trung-cross)

A Th s is not only the talk, but according to a statement of the crematory oa po Fuchs Kaischein one night brought over a heavy subject which as wrapped in some kind of wrappings.

Q But this information is the only information that you recall exactly with respect to Kaischein?

A No, but Fuchs also told me afterwards of those flyer suits.

Q Did Fuchs also tell you that he himself saw these flyer suits?

A Yes, he said that they were nglish or merican flying suits.

Q When was it when Fuchs told you that?

A It could have been in Fall, 1944.

Q Where is Fuchs today?

A I do not know, I wish I knew it.

Q You spoke of murdering the prisoner Kunze in the prisoner crematory?

A Yes.

Q Isn't tit true that this prisoner Kunze was still alive after the 20th of January, 1945?

A It is very hard to give you any definite date for that reason and that is that the death of the prisoner Kunze was kept secret from us. I myself checked the strength every morning on account of the provisions and in order to find out because the talk had been going on for sometime already that Kunze was not alive and the strength did not change.

Q You knew Kunze yourself, is that correct?

A It is correct because he was the one who was the driving power of the illegal movement.

Q When did you find out that Kunze was allegedly murdered?

A Officially it was never known. It was never announced that Kunze was not alive anymore.

Q As of which date was it that he had disappeared?

(Brunner-cross)

A Do you mean from the bunker or from the camp?

Q From the camp.

A Kunse was arrested or jailed in fall of 1944.

Q When did you receive the next message from him--I mean that he was still alive?

A Well that he is alive or that he had died or that he had been killed we officially never learned, but I am of the barber from the bunker who worked in the bunker when he shaved Kunse the last time and on that occasion he told me that for quite some time he had not shaved him or given him a haircut.

Q When was it when you asked this barber?

A I do not know. In winter or in late fall or in winter '44, '45. I think with my best intentions I cannot give you an exact date.

PROSECUTING: I pay the court's judgement. It seems to me we are belaboring the dates of this incident a great deal.

Q Didn't you talk to the camp doctor who you were on good terms with about Kunse?

DEFENSE COUNSEL: I will be through with this subject very shortly.

A Even the camp physician would not have known anything because it was completely secret. He was a Gestapo prisoner.

Q Didn't you ever hear of the fact that Maischein smuggled letters for the prisoners?

A About that I do not know anything. This is the first time I hear it.

Q You said he was known in the camp due to the fact that he was organizing or promoting things?

A Yes.

Q Didn't you yourself ask him once for a bottle of liquor?

A First of all it would have been a big foolishness on my part if I

(Drums-press)

had asked him for liquor. Secondly, I was one of the few prisoners in the camp who did not drink liquor because it was usually connected with death.

Q So you did not ask him for a bottle of liquor is that correct?

A I definitely would not have asked an SS man.

Q You said in direct examination that in the summer of 1944 you had learned fro prisoners from Nordhausen that chmidt was treating prisoners in the Gestapo bunker in the Boelke Kaserne?

A I said that I had learned that he was a doct r in the Boelke Kaserne.

Q And that was, as you stated in direct examination, in summer 1944; is that correct?

A It also could have been fall.

Q But, anyway, it was in the y ar 1944?

A Yes.

Q What was the rank of accused Schmidt?

A Personally I do not know Schmidt. I only heard in case of a Dr. Schmidt from the Boelke Kaserne and also that he took care of the Gestapo bunker in a medical capacity.

Q And all that took place in the year of 1944, as you heard it?

A So, not when I heard it; that could have been in Spring of 1945, but the prisoner who had told me was in the bunker in Nordhausen in 1944.

Q Will you please state how long, or when this prisoner was in the Gestapo bunker in Nordhausen? I mean the final date.

A He could have come to Dora in the fall of 1944. I do not know exactly when they were transferred. I know when they came; I saw it. A whole truck of them came, but I don't know when it was.

Q But from this prisoner you learned that Schmidt was treating prisoners in the Ge tapo bunker in the Boelke Kaserne?

A I did not say that I learned that he was treating prisoners there; I said that he was the competent doctor there and supposedly falsified death certificates of those prisoners that had died there. That means that he put down a different cau e of death.

Q What was the name of this prisoner?

A Dr. Gespiva.

Q And beginning of fall 1944 Dr. Kespiva was in Dora, is that correct?

A I would like to ask you not to ask me for exact dates because I do not know exact dates. Anyway, I do know or think that he came with a transport of other prisoners in fall 1944 to Dora.

Q And from that time on he remained in Dora?

A He remained in Dora in the bunker.

PROSECUTION: I pray the court's judgment. He said that three times.

Q You stated you yourself -- that you had not seen Schmidt; is that correct? In Dora?

A I do not know whether Schmidt ever was in Dora.

Q How was it possible then that you did recognise him here last week?

A When I came here for the first time in the office of Colonel Berman I looked at the defendants and I asked the witnesses who were present there -- former prisoners -- "who is this Schmidt?" Thereupon I was told that it was Dr. Schmidt from Nordhausen.

Q Among these witnesses, former prisoners, was there also Dr. Kespiva present?

A I do not know whether he was present the first time. He came here later than I did. I do not know exactly.

Q How do you explain the fact that Dr. Kespiva could have told you of activities of Dr. Schmidt which he must have committed in 1944 in view of the fact that Dr. Schmidt only arrived in March 1945 in the Goelke Kaserne?

A I do not know at what date Dr. Schmidt came to the Goelke Kaserne. That is for Dr. Kespiva to know.

Q So, in other words, Mr. Runge, out of your own knowledge you do not know anything of Dr. Schmidt, is that correct?

A I only said by hearsay.

DR. AMELI"R: Cross examination on behalf of the accused Rickhey.

QUESTIONS BY DR. AMELI"R (continued):

Q Did you ever get to see the accused Rickhey in Dora at least once?

A Yes.

Q When for the first time, according to your best estimation?

A That could have been in the middle of summer 1944.

Q At what occasion?

A I was -- Even though I did not have anything to do any more in the tunnels I was down there at an execution and remained there for several hours; I walked around all over in order to see how far the construction had progressed; and I was shown by one of the prisoners -- I believe it was somebody by the name of Schroer; and he was working down below at the labor allocation office and he told me when several gentlemen passed by, among them was Pawatski, because up to that date I had never seen Pawatski either. He told me that this was Pawatski, and Rickhey was there also. There was also one more gentleman, and if I should hear the names of all the managers of that place I may recall his name also.

Q Did you have the possibility of running around free in the tunnels of the factory?

A It was hard, but at any rate I was known down there, so that I got through.

Q How much time had passed after the execution when you saw these people passing by?

A Maybe an hour and a half.

Q Where was the office of Rickhey?

A The many things that they did afterwards, I do not know. Maybe it was Zero Tunnel or something. The tunnels were re-named after that; and it was hard to find your way around at that time because everything had

(DRUMG-Cross)

been sort of -- everything had progressed and finished sort of.

Q Isn't it a fact that the accused Rickhey did not have an office at all in the tunnels, but on the outside several kilometers away?

A I do not know whether he had one down in the tunnels. I do know that he had an office in Jlfeld. I did not see him in the office.

Q Who told you something of the fact that punishment reports had to go through Rickhey?

A I can not tell you exactly today who it was, but it was like this: that one was interested when, for instance, so many and so many prisoners were being hanged; one was interested in the fact that who was the person that was making these reports because there was also quite a little amount of prisoners who were running around as stooges and, therefore, one would also ask how and who is it. And at that occasion I found out and it was also generally known that the reports which were not turned in by the work security were supposed to go through Rickhey.

Q Did you ever talk to anybody who at any one time saw that any one report went through Rickhey?

A I did not speak to anyone because I do not know whether a general manager would speak of things like that in the presence of a prisoner.

Q Do you believe at all that a general manager would have to handle things like this?

A Whatever civilians we had in the tunnels, they were not morally high people, because of civilians there -- whatever his position was, engineer or something else -- whatever he called himself, it was still inhumane to beat other people, because even Sawatski was supposed even to have beaten prisoners, possibly in order to earn the iron knight's cross easier, because he had received the knight's cross. The title "general manager" did not mean , did not carry the usual weight in the tunnels there, it is not the same as if somebody would have had the title general manager on the outside.

PRESIDENT: The court will recess for 15 minutes.

(Thereupon the court recessed at 1600 hours.)

been sort of -- everything had progressed and finished sort of.

Q Isn't it a fact that the accused Rickhey did not have an office at all in the tunnels, but on the outside several kilometers away?

A I do not know whether he had one down in the tunnels. I do know that he had an office in Jlfeld. I did not see him in the office.

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PRESIDENT: The court will recess for 15 minutes.

(Thereupon the court recessed at 1600 hours.)

(Whereupon the court reconvened at 1615 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present, the prosecution and defense are represented by counsel, all of the accused are present, the reporter and interpreter are present.

At the end of the last session the witness Drung was under cross examination by Dr. Aheimer.

DEFENSE COUNSEL: If the court please, I should like permission to announce for the record that Prosecution's Exhibit P-25, that exhibit read into the record previously, has now been read and translated in German to all the accused.

PRESIDENT: It will be so noted.

In that connection, Major Poullada, have the exhibits P-26 and P-25, which are the photographs and certificate of the photographer, also been made available to the accused?

DEFENSE COUNSEL: No, they have not been shown to the accused, but I will see that it is done before the next session of court.

PRESIDENT: The witness is reminded that he is still under oath.

ROMAN DRUNG, called as a witness by the prosecution, resumed the stand and being reminded that he was still under, continued to testify through an interpreter as follows:

CROSS EXAMINATION (continued)

QUESTIONS BY DR. AHEIMER (continued):

Q Mr. Drung, do I remember correctly that you said a prisoner by the name of Schroer pointed out to you the men Rickhey and Sawatski?

A I believe it was Schroer, but anyway somebody from down below from the Labor Allocation.

Q Is that the same prisoner Schroer who at the time when the camp eldest Schimichek refused to conduct a hanging -- that this prisoner offered his help voluntarily and did conduct the hanging?

A It is the same Schroer.

(DRUNG-Cross)

Q Did you at any one time speak to a prisoner who was working in the office of Mr. Rickhey, in the office in Ilfeld?

A No.

Q Then you never spoke to any prisoner at any time who had seen that a punishment report had gone through the office of Mr. Rickhey, is that correct?

A That is correct, because I do not know whether prisoneral at all were working in the office of Mr. Rickhey.

DR. RENNER: Cross examination on behalf of accused Andrae.

QUESTIONS BY DR. RENNER:

Q Did you have much contact with the accused Andrae in the Camp Dora?

A When I was down below in the tunnels and I was block eldest we had to pick up the packages for the tunnel.

Q And you had to pick up these packages from where?

A From the post office.

Q Isn't it a fact that at the time when you were down below in the tunnels the packages were issued to the prisoners in the blocks?

A This is what I stated in my direct examination.

Q And was the accused Andrae present in the blocks when the packages were being given out?

A No.

Q Then, during that time you did not have any contact with the prisoner Andrae?

A Not personally.

Q Did you have a post office chief by the name of Troeger?

A I can't remember.

Q Can you recall who the predecessor of Andrae was?

A No, I don't remember that either.

Q Would you by any chance remember when it was the first time that

you had any contact with Andrae?

A Exactly when he was up at the post office, that was already in the summer 1944 when we were up abo e already.

Q What would you say if a witness here would testify to the fact that Andrae only took over the post o fice in May 1944?

A That could be possible.

Q Was Andrae an SS officer?

A No. According to my recollection he was an SS Tech Sergeant and I believe he was promoted afterwards to SS aster Sergeant.

Q Do you know who was the superior officer of Andrae?

A I never saw an officer in the post office and I do not know.

Q Can you recall a protective custody camp leader by the name of Koessler?

A Very well.

Q Was this protective custody camp leader a superior officer to Andrae?

A That I do not know. That must have been the first time that a camp leader was a superior of the post office, because the camp leader Koeser always said, "I have nothing to do with that."

Q And, if it was not the protective custody camp commander who gave the issues with respect to the post office, who was it then?

A I myself thought about it already, where he had his authority to pilfer these packages; whether he had an order to do that or whether he did it on his own, I don't know.

Q Do you know the name SS Second Lieutenant Schurz, in charge of the political department?

A Yes he is known to me.

Q Is it, as far as you know, possible that this man in charge of the political department issued orders to Andrae?

A I could not think that possible because Schurz, who was a member

(DRING-Pro s)

Q You stated that in the bunker or in the tunnels various prisoners had been punished because of certain blackmarketing activities?

A Yes.

Q What did these blackmarket activities consist of?

A I don't know because the ones that were blackmarketing mainly were the capos who had admission to food items, what they used, I suppose food.

Q Didn't it also happen that prisoners acquired for themselves civilian clothing from the civilian workers which they used afterwards for escapes?

A It could be possible that prisoners acquired for themselves civilian clothes, but I do not know of any cases where prisoners succeeded in such an attempt.

Q Do you know upon which directives those packages were opened?

A I do not know the regulations.

Q Do you know that a regulation existed?

A It was never read to us.

Q Then you did not know anything of a regulation with respect to opening packages?

A That I did not know, that they had to be opened.

Q Do you know when the Camp Dora became independent?

A It must have been in summer 1944, but not before July.

Q In your direct examination you stated that the distribution of mail changed suddenly?

A Yes.

Q Isn't it a fact that this change in distribution of packages took place in connection with the Camp Dora when it became independent?

A I did not know anything whether there was any connection with the Camp Buchenwald.

Q You stated in direct examination that in several cases things were being issued from these packages to various details?

A Yes.

of the Gestapo, could have anything to do with the post office.

Q Are you acquainted with the fact that there was an order existing in Dora that all packages had to be censored?

A I do not know that.

Q Did you know that prisoners only were allowed to receive certain things and certain items in their packages and that other certain items and things were excluded?

A I do not know of this prohibition. I don't think there were any explosives in the Red Cross packages as the SS pointed out to us when they said "We only take out dangerous items and explosives."

Q Do you know that it was printed on the head of a letter or post card that the prisoners sent home what kind of things they were allowed to receive?

A There was not a printed form, but there were attachments herein. It said that only food items were to be received.

Q And what did you understand by "food items"?

A Tobacco and alcohol I would designate as food, or wine.

(DRUMC-Cross)

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A Yes.

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Q You stated in direct examination that in several cases things were being issued from these packages to various details?

A Yes.

Q What details were these issued to?

A There were only a few details which were issued things as a whole. I only remember one detail, the work detail Peter Krug. That detail had to turn loads of bodies--of corpses. Stacks were being built, and this was a miserable kind of work because the corpses stunk already, and this detail frequently received additional items.

Q You spoke of medicines which were taken out of these packages?

A Yes.

Q Were you acquainted with the regulations that were issued to Andrae with respect to these pharmaceutical items?

A No.

Q You stated that Andrae destroyed medicines which he did not know, is that correct?

A Yes.

Q Did you see it yourself?

A I stated in my interrogation that two prison doctors were there and had seen it, and at that occasion they had taken along the stolen medicines which they had brought down to the dispensary and had given to the other doctors, and that the medicine was being used afterwards.

Q Then according to your testimony I suppose that you didn't see it yourself?

A No, not when that medicine was destroyed.

Q You stated in direct examination that these medicines probably were turned over to the SS dispensary?

A Yes, because in the beginning the prisoner dispensary would have received these items and later on not any more.

Q Do you have this assumption on your own knowledge, or based on conversations, or out of your own knowledge, or as the conclusion on your part?

A It is not an assumption on my part, but we had camp doctors, as I stated before, who told us exactly that in the dispensary they were using French aspirins.

Q You also spoke of the fact that valuables had been taken out of these packages such as rings and watches?

A Yes.

Q Isn't it a fact that mailing things like this was forbidden to prisoners?

A If it was forbidden then these things should have been turned in to the valuable store room and kept there for them and not being taken by others.

Q Wasn't there an administrator of valuables in Dora?

A Yes.

Q Can you tell us the name?

A Hardly I know him, but I don't know what his name was.

Q If I give you the name, SS Master Sergeant Karl Vogel, do you know him?

A I don't know whether his name was Vogel, I only know what he looked like, and I myself didn't have anything to do with him up above there.

Q You said that French aspirins had come to Dora. Wasn't that an item when France was occupied?

A Occupied by whom?

Q By the allies--by the allied troops?

A That isn't quite possible because these medicines we received at the time when we came out from the tunnels, and that was still in May 1944, and at that time there was no occupation of France yet.

Q You stated here that the first time you had any dealings with Andree was in summer '44?

A Yes, that is correct, but nevertheless I know of the medicines and of the system of packages there.

(Drum-Cross)

Q And this you know from staff records there and not out of your own knowledge?

A Those included with the [illegible] at Sprin[illegible] '44 was at a time when the packages were not being distributed by the block oldest any more, and at that time no more sanitaires came to the prisoner dispensary.

Q I am coming back to the valuables again. Do you know where those valuables that had been taken out from the packages were going to?

A Personally I know that this time caps from the post office were very good rings and was dealing with watches.

Q Who was this came from the post office?

A A certain Willy Hoffmann.

Q Do you know where this Willy Hoffmann is now?

A No, I don't.

Q Was he a political prisoner?

A He was an anti social prisoner.

Q Wasn't there a jewelry shop[illegible] watch repair shop in Lora?

A Yes.

Q Did this Hoffmann have anything to do with the watch repair shop?

A When this watch repair shop was half-way officially admitted in Lora, Willy was no more at the post office.

Q When did Willy Hoffmann leave the post office approximately?

A I don't know any more exactly. He left together with the accused Wiener and several others to the camp Dachau. I don't know exactly the date--I believe it was in spring '44.

Q So that was at a time when Lora wasn't even in Lora yet?

A That I can't tell you exactly whether Lora was here or not, the fact that I was interested in is that the packages were empty and nothing was in them any more.

Q You also spoke of the underwear which had been taken out of the packages?

A Yes.

Q Isn't it a fact that the prisoners conducted many blackmarket activities with this underwear among civilian workers?

A That is possible, but that still doesn't give the SS authority to take it for themselves.

Q Do you know that based upon these blackmarket activities a regulation, an order was put out to take out the underwear from the packages?

A Of this order I do not know anything, but at least it should have been told to us so we would know about it, too.

Q Did you speak of those questions to the accused Andrae at all?

A Yes, not so much about the underwear but about the fact that when the prisoners came to me and showed me the empty cardboard box, then I went down to him and told him that.

Q And what did Andrae answer you?

A The answer always was that these packages had been pilfered on the railroad while being shipped here.

Q Didn't Andrae tell you anything about the fact that an order existed?

A That would have been proper if he had said it, but then I could have told all the prisoners about it. There was a great embitterment among the prisoners that things like this did happen.

Q Isn't it a fact that Andrae actually told you this was being done upon the order of the commandant Koernner?

A If Andrae had told me that at that time and I should have forgotten it by now, it would have been different because I always had thought Koernner was a decent person and then he would have lost in my estimates.

Q If I understand you correctly you stated that in January 1945 you were made camp eldest?

A Yes, Sir.

Q Isn't it a fact that one evening in February 1945 you together with the assistant of Andree, his name is Bilke, and with the SS Lieutenant Boesler spoke about the distribution of the packages?

A That is possible. I quite frequently received instructions to distribute packages to this person or that person.

Q Wasn't that also at the same time when packages were issued to the women from the brothel?

A That could be possible, but I can't recall that today, but it is a fact that they also received packages once or twice.

Q Isn't it a fact that you personally were interested in the fact

that these women also should receive extra food?

A I don't know whether I was personally interested for them so that the women would also get something. I only know that it was my duty to see that everyone, including the women would also get additional food, maybe from the kitchen or some place else.

PRESIDENT: The court will recess until 9 o'clock tomorrow morning.

(Thereupon at 1655 hours the court adjourned until 0900 hours, 19 August 1947.)

* * *

MILITARY GOVERNMENT COURT

CASE RECORD

VOLUME 9

Pages 624-704

CASE NO. 000-50-37

PROSECUTOR Lt. Col. W. Berman

*~~MILITARY~~ ~~COURT~~
GENERAL

DEFENSE COUNSEL Major L. Poullada
Kelly Singer

INTERPRETERS Simon Weisenthal
Gloria E. Spears

PLACE Dachau, Germany

REPORTERS Peter L. DiCurti
~~Annie L.~~ Hasdorff
Mabel D. Holt

DATE 19 August 1947

WITNESSES

ROMAN DEUNG

ACCUSED ARTHUR KURT ANDRAE, et al

ADDRESS SEX AGE

FIRST CHARGE SECOND CHARGE

PLEAS

FINDINGS

PREVIOUS CONVICTIONS

IMPRISONMENT (TERM
(
(BEGINNING 194

SENTENCE

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FURTHER TERM OF IMPRISONMENT

CHARGE SHEET AND RECORD OF PREVIOUS ARE ANNEXED HERETO.

SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY

SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

RECORD OF TESTIMONY

in trial of

THE UNITED STATES Versus ARTHUR KURT ANDRAE, et al

by

GENERAL MILITARY GOVERNMENT COURT

tried at

DACHAU, GERMANY BEGINNING 7 August 1947
Pages 684-704.

19 August 1947

TESTIMONY

WITNESS	Direct	Cross	Redirect	Recross	Court
ROMAN BRUNO	684				

Camp Dachau, Germany

August 19, 1947

MORNING SESSION

(Thereupon at 0900 hours the court reconvened.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all members of the court are present; the prosecution and defense are represented by counsel; all of the accused are present; the reporter and interpreter are present.

At the end of the last session of court the witness Drung was on the stand undergoing cross examination by Doctor Kanner.

PRESIDENT: The witness is reminded that he is still under oath.

ROMAN DRUNG, called as a witness by the prosecution, being reminded that he was still under oath, resumed the stand and testified through an interpreter as follows:

CROSS EXAMINATION, continued.

QUESTIONS BY DOCTOR KANNER:

Q Mr. Drung, where in Dora was the prisoner post office located?

A At first where the orderly room was in Block Number 20 and in the end it was when you come into the camp on the lefthand side where the room for the block leaders used to be and the camp administration.

Q May I ask you to show to the court on this map where these places were? That is exhibit P-22.

A I don't know whether this square here represents the orderly room, but if it is there in this building there was the room for the block leaders and the Post Office was here. (Indicating)

DOCTOR KANNER: Let the record show that the witness pointed out a square which on the first block on the righthand side is as you enter the camp alongside the camp street.

A In the end the Post Office was in this building, as a matter of fact on this side. (Indicating)

(Drung-cross)

DOCTOR BENNER: Let the record show that the witness pointed to the building which is marked mail office.

Q Where was the entrance to the Post Office?

PROSECUTION: At what time?

QUESTION BY DOCTOR BENNER:

Q During which time was the Post Office in this block that you just pointed out here?

A There in this building the Post Office used to be from 1943 until 1944 about May or June. (Indicating) You could enter this building from both of these sides from this narrow side here and also from the other side, from the wide side through the orderly room. When the Post Office was located here the entrance was here. (Indicating)

DOCTOR BENNER: Let the record show that the witness pointed out a building which is facing away from the Protective Custody Camp.

A The issuing of packages was being done here through a window.

DOCTOR BENNER: Let the record show that the witness pointed to a spot on the inside of the building facing towards the Protective Custody Camp.

Q Were the prisoners authorized to enter the Post Office?

A Only when they had some kind of slip directing them to come to the Post Office.

Q You were just speaking of a window facing the Protective Custody Camp. Will you please tell me what the significance or importance there was to this window?

A Packages were issued through this window to the prisoners?

Q Were other SS people working in the Post Office in addition to the accused Andrae?

A Yes.

Q How many, approximately?

A I estimate about six or seven.

Q Were in the Post Office, together at the same time with the SS

also prisoners working?

A Yes.

Q How many prisoners were working there?

A Maybe the same amount, approximately.

Q Isn't it a fact that the prisoners and the SS people worked at the same time in the same room?

A Yes.

Q Did you yourself see that Andrae personally took anything out of these packages for his own use?

A That I did not see.

DR. [illegible]: Cross examination on behalf of the accused Detmers.

Q In direct examination you stated that the accused Detmers was Court Officer and adjutant of the camp at the same time?

PROSECUTION: I pray the court' judgement. He didn't say anything of the kind. I don't want the court or anybody else to be confused. Nordhausen is a sub-camp of Dora and Dora is the main camp.

[illegible]: I would like to correct it with respect to Dora.

DR. [illegible]: I would like to make a correction or objection with respect to the translation. The objection is to the fact that the word "Gerichtsoffizier" was translated in various ways by the various interpreter At this moment it was translated as "legal or court officer". The "Miss Interpretess" translated it as "Judicial Officer". I believe that we should find a uniform translation so it will be clear in the record.

PRESIDENT: What, in the opinion of the interpreter is the correct translation of that?

INTERPRETER: If I may state here, I believe I have my translation from Major Poullada if I am correct.

PROSECUTION: I take objection to it because I know enough German to know that "Gericht" means "court". I am not taking my interpretation from

(Trung-cross)

the def nse.

DEFENSE C UNSEL: I am willing to arrive at any agreement that will suit the prosecution on it. I was taking my interpretation from the duties which the accused told me he performed. Those duties in my estimation would be the duties of a judicial officer or legal officer.

PROSECUTION: There is a vast difference between judicial officer and legal officer. In the army the duties of a judicial officer and a legal officer are much different.

I am not seeking to impose my own interpretation. The interpreter should surely know what the word means. It is a very important word.

PRESIDENT: The court suggests that the two interpreters get together and decide what the uniform interpretation is going to be.

PROSECUTION: The SS Court Officer, may it please the court, is the man who sits as a court---

DEFENSE COUNSEL: Just a minute, if it please the court, I object to the prosecution giving testimony here in court. What this officer does is a matter for the court and is to be brought out in testimony and is not for the prosecution to say.

PROSECUTION: The court will take judicial notice of it.

INTERPRETER: If it please the court, the other interpreter has gone out to get the official translation and will be back shortly.

PRESIDENT: Well then let the court proceed until such time as she comes back.

QUESTIONS BY DEFENSE COUNSEL:

Q You stated that you were not too well acquainted with the duties of Detmers, but did say that as Court Officer he conducted all interrogations, is that correct?

(Drung-cross)

A I said that the duties of an adjutant were not exactly known to me, but I do know that up to the time when the Gestapo moved into the camp he, as court officer, conducted the interrogations himself.

Q Who do you have this knowledge from?

A Very few days during a week passed by when there were no interrogations which were being conducted by Detmers.

Q Who told you that the interrogations were conducted by Detmers?

A All those prisoners that had been up for interrogations in front of Detmers.

Q Can you tell us a few names of those prisoners that were interrogated by Detmers?

A No, I cannot do that, but anyway there were quite a n amount of those who were up there for interrogations for very minor things. I know where he had his office.

PROSECUTION: Excuse me. I do this with a great deal of diffidence, but I think the witness said, "Wo hat gesessen". Does that mean "where his office"?

A I know where the room was where the interrogations had been conducted.

Q Can you point out this room or office where these interrogations were being conducted on this map?

A Yes.

Q Will you please do so.

INTERPRETER: Exhibit Number P-82.

A In this barrack where the administration of the camp was--the 4th room on the lefthand side.

PROSECUTION: Let the record show that the witness pointed to a building at the camp entrance which is marked "Protective Custody Camp Leader".

Q Isn't it a fact that the adjutant of the camp did n t even have an officer in this building?

(Drung-orocs)

A Here I am speaking of the court officer and not of the adjutant.

Q Isn't it a fact that the court officer did not have an office in this building?

PROSECUTION: I pray the court's judgement. He has already said that is where it was and this is constant repetition and is redundant.

DEFENSE COUNSEL: If it please the court, there are two things I believe. First the interpreter now has the official interpretation, is that correct?

INTERPRETER KELLY SIEGER: Sir, I have the official translation that originally came from Washington which has a glossary and which does not give a "Gerichtsoffizier" but gives the "GerichtsHerr" and which gives the duties of this man and doesn't give us an English word for it at all. We have, in Augsburg where we did the official translation for our rimes, on the basis of his duties used the word "Judicial Officer" because it didn't mean that he was anybody who had legal training but he could do these duties and these are his duties.

> "Overseer in charge of the military court. Higher ranking officer to the German Army or "Gerichtsherrn" and thus may order preliminary investigations, issue warrants, lodge accusations and appeals, confirm sentences and order their execution."

DEFENSE COUNSEL: It it pleases the court, it it my understanding that the "Gerichtsherr" is quite a different position from that of "Gerichtsoffizier" and therefore that translation would not be applicable. I would suggest that if the prosecution agrees that if the interpreter prefers to use the term "Court officer" that we continue to do so and let the testimony bring out the duties of this particular accused and I believe the court will not be confused if that is done.

PRESIDENT: For the rest of this trial the term "Gerichtsoffizier" will be translated as "court officer".

(Cross-cross)

[illegible]: If it please the court, to the other objection on which the court has not yet ruled. I would like the defense to be heard. For two days we have been treated here to a repetitious and belaboring testimony by this witness. I believe in the cross examination the defense should be entitled to work up a point in its own manner without interference from this prosecution.

[illegible]: The objection of the prosecution is overruled. The witness will answer the question.

QUESTIONS BY DEFENSE COUNSEL:

Q The question I asked you was: Isn't it a fact that the court offic did not have any office in this building?

A I stated that the 4th room on the lefthand side was his office and it/your privilege to interrogate the following witnesses that will show up here as to the fact whether it is true.

Q Are you acquainted with the fact that the Gestapo before they open up their office in the camp had an office in Niedersachswerfen?

A Where the office of the Gestapo was I did not know. I had nothing to do with these people, only at the time when they came to the camp I knew where their office was.

Q You stated that from the time on when the Gestapo had their office in the camp Detmers did not conduct any more interrogations?

A That is correct.

Q Yo further stated that Detmers suggested the punishment?

A Yes.

Q Where do you know it from?

A Because this was generally known in camp that the court officer was here for the purpose to receive knowledge of every kind of death that occurred which was not from natural causes and that he suggest the various punishments of the prisoners to the Gestapo.

Q Did the court officer of Dora have anything to do at all with the Gestapo?

A Whether he had anything to do I do not know, but I do know that whenever a prisoner was punished, maybe with a punishment by beating or with bunker, Detmers signed the punishment with his signature.

Q Did you yourself see Detmers' signature on such a paper?

A I did not see it but I spoke to those prisoners who received these punishments.

Q But you yourself did not see the signature?

A No.

Q Isn't it a fact that an SS court officer only participated in interrogations insofar as there was an 'S man involved in the incident?

A That I don't know; I only asked myself why he interrogated the prisoners and how he interrogated them will be shown by the files of the hospital.

Q But you yourself were never present during such an interrogation?

A Thank God, no.

Q Did you know a man by the name of Sander in Dora?

A Yes.

(DRUNG-Cross)

Q What were the duties of Sander in Dora?

A Sander was Gestapo or SD man; I can not define it so exactly.

Q What would you say to the fact that if a witness should appear here in court and testify that the court officer had nothing to do with prisoners but only with SS?

A I don't believe any such witness would exist.

Q But if there should be such a witness, what would you say to his testimony?

A Then it is a lie.

Q Then the witness who stated that ---

PROSECUTION: I pray the court's judgment. It is not the prerogative of a witness to characterize the testimony of anybody else.

DR. RENNER: I withdraw the question.

Q Then a witness who would testify that would be lying?

PROSECUTION: I pray the court's judgment.

PRESIDENT: The objection is sustained. The witness will not answer the question.

DR. RENNER: Cross examination on behalf of the accused Heinrich.

QUESTIONS BY DR. RENNER (continued):

Q You stated in direct examination that Heinrich was the last adjutant? Did you say that?

A Yes.

Q When was Heinrich transferred away from Dora?

A I do not know when he left Dora.

Q Was there also an adjutant after Heinrich?

A That is not known to me either.

Q Are you acquainted with the fact that the camp leader of Dora Foerschner was transferred out of Dora?

A That I know.

Q When was Foerschner transferred out of Dora?

A I do not know that for sure. It could be in the winter '44 - '45.

Q And who was the successor of Foerschner?

A For a long time we didn't have a commandant, until such time that somebody came from Auschwitz.

Q Did you know in Dora an SS officer by the name of Beer?

A Yes.

Q What was the position of the SS officer Beer?

A As far as I know he was commandant but he did not put in an appearance.

Q And isn't it a fact that Beer was a successor of Foerschner?

A That is possible but he did not take care of the camp or the headquarters. He came and left again.

Q Isn't it a fact that also at the same time that Beer came an adjutant came?

A That I don't know because I only saw Beer once.

Q Do you know an SS officer in Dora by the name of SS First Lieutenant Hoecker?

A No.

Q Isn't it a fact that Hoecker was the adjutant of Beer?

A I do not know that. According to my estimation, Beer came end of January. That was the time when the camp Auschwitz was dissolved.

Q Did you see the accused Heinrich in the protective custody camp of Dora?

A Not in the protective custody camp, but in front of the block where the camp leader's room was.

Q In direct examination you stated that Heinrich was adjutant and court officer?

A Yes, that is correct. He was the successor of Detmers.

Q Where do you know it from that Heinrich was court officer?

A Because this talk went around pretty fast, and he was the one who

had to sign the punishment reports.

Q Did you ever see such a signature, once?

A No.

Q Then your knowledge only consists of hearsay?

A From these prisoners that were sitting in the bunker and received beating punishment, they knew it.

Q Can you give us the names of these prisoners who told you that? One?

A That is hardly possible.

Q Not even one single name?

A I would have to thing about that and even if it would be correct then, I do not know.

Q Isn't it a fact that due to the fact that Heinrich was adjutant you draw the conclusion that he also was court officer?

A No, I am not drawing this conclusion based on that fact, but Heinrich was named also as court officer and, therefore, we had to assume that at the same time he was adjutant.

Q Didn't you know an SS officer Wernhols in Dora?

A No.

Q Did you not speak to the accused Heinrich in Dora?

A Just as little as with Detmers. I never had an occasion to speak to Heinrich.

Q At first you could not identify Heinrich, is that correct?

A That is correct.

Q Did you see Heinrich in Dora at all, once?

A I saw Heinrich in Dora once or twice and that was in front of the room, or, respectively, the blocks where Moeser and the roll call leaders used to stay.

Q And that was outside the protective custody camp?

A That is alongside the barrack -- the first barrack on the left.

Q And by saying "the first building on the left," you understand the building on Prosecution's Exhibit No. 22, which is marked "Protective Custody Camp Leader."?

A Yes.

DR. RENNER: Cross examination on behalf of the accused Walenta.

QUESTIONS BY DR. RENNER (continued):

Q Do you know when Walenta came to Dora from Ellrich?

A I estimate it could have been May or June 1944, but it also could have been later.

Q In direct examination you stated that some time afterwards you noticed that Walenta was wearing civilian clothes. What time was it when you noticed that?

A That could have been in winter, maybe in late winter or even in spring 1945.

Q Did Walenta wear a triangle prior to that time, on his clothes?

A When Walenta came from Ellrich I did not see him because he was detailed to the tunnel, but I knew by hearsay that he wore a political triangle.

Q Isn't it a fact that in Dora several prominent prisoners wore civilian clothes without a triangle?

A Never. We could wear civilian clothes, but in a case like this a part of the jacket sleeve had to be cut out and there were zebra stripes inserted there, and so in the back of the jacket a part was cut and zebra stripes were put in there also.

Q But isn't it a fact also that these prominent prisoners had several civilian suits?

A It is possible.

Q And that they did not have a triangle on each of their suits?

A If you speak of prominent prisoners, I mean that you speak of prisoners who had constantly to do or work with the SS and based upon their

functions, and I would have wanted to see that prisoner who did not wear a triangle or number whenever he went up to the SS.

Q Isn't it a fact that the prisoner Szymcak only wore civilian clothes without a triangle?

A I never saw a prisoner in camp who, whenever he wore his jacket or his pants, did not have a triangle or a number, but Szymcak did wear civilian clothes.

Q Then Walenta was the only one in the whole camp who wore civilian clothes without a triangle?

A He wore civilian clothes without any markings, without a cross, without a triangle, and without numbers.

PROSECUTION: I think he means without stripes.

INTERPRETER SIMON WEISSGLAS: "And without zebra stripes."

Q Isn't it a fact then that Walenta was very well noticed on account of his clothing in the camp?

A Of course, it was very well noticed. As a matter of fact, he wore a collar and a tie and a green hat.

Q And you further stated in direct testimony that Walenta was a deputy of the SD?

A Yes, that I stated.

Q Isn't it a fact then that this deputy of the SD was especially noticed for his clothes?

A I myself could n't make sense out of Walenta, why he was wearing civilian clothes and a tie, but I do know that he took over prisoners who were in the bunker; he took them from the bunker to the dispensary to have them bandaged up and there he wanted to arrest even the prisoner doctors.

Q And this he wanted to do in this very noticeable civilian clothes?

A Yes. He told me he was not a prisoner any more; he had been discharged, but could not leave the camp because he was somebody who knew secrets.

(DR[illegible]-Cross)

Q Did the prisoners confide their secrets to him, he who was so noticeable through his civilian clothes?

A Walenta always was very pleasant. He knew how to behave and knew how to get on the good side of the prisoners. Once in a while he gave somebody a cigarette.

Q You stated that Walenta went to the blocks and spoke to the prisoners there?

A Yes.

Q Did he go to the blocks in this very noticeable civilian attire including a tie?

A Yes.

Q In this connection, you said that he wanted to arrest somebody and take him away handcuffed, is that correct?

A Yes.

Q When was that, approximately?

A I can not give you any exact date. It was in connection with that action that was taking place at that time, and this action lasted from about Fall until the end of the camp.

Q Isn't it a fact that this action was finished already by the end of February or beginning of March 1945?

A It was never finished, and it always happened again that somebody was being arrested and there were still many prisoners in the bunker on account of that.

Q I want to go back to the cross examination with regard to Heinrich, and I would like to ask one more question. Did the accused Heinrich have anything to do with the stone quarry?

A I don't believe that.

Q You described in direct examination which route the reports took that were sent in from the Work Security, and I believe to have understood you correctly if the route was as following: Work Security, manager, SD ---

A No, I did not say that.

Q May I ask you to describe the route that such reports took?

A I said in these words, the work security was under the jurisdiction of the SD, and all reports went direct to the Gestapo.

Q And these kind of interrogations were conducted by the Gestapo, is that correct?

A Yes.

Q So, in these cases the court officer of the camp Dora would have nothing to do?

A As long as the Gestapo was not in Dora.

Q Isn't it a fact that after the departure of Sommers, an SS Tech Sergeant was assistant court officer?

A I do not know him and I do not know what his name is.

DR. REES: I have no further questions.

PRESIDENT: The court will recess for 20 minutes.

(Thereupon the court recessed at 1000 hours.)

(The court reconvened at 1020 hours.)

PRESIDENT: Court will come to order.

CAPT. A. GARRY: Let the record show that all members of the court are present, that the prosecution is represented by counsel, that all of the defense are present, that all the accused are present and are represented by counsel, that the interpreter and reporter are present. The witness Brunn is still on cross examination.

ROMAN BRUNN, called as a witness by the prosecution, having been previously sworn, resumed the stand and testified further through an interpreter as follows:

PRESIDENT: The witness is reminded he is still under oath.

DEFENSE COUNSEL: Cross examination continued.

CROSS EXAMINATION (continued)

QUESTIONS BY LIEUTENANT COLONEL L

Q Can you repeat, Herr Brunn, for the court, the time that you arrived in Dora?

A I stated that I came to Dora either in late fall or in winter. I cannot give you exactly the month, because I changed camps too many times.

Q That was 1944, is that correct?

A There was snow already and I do not know exactly. I do not want to be pinned down on an exact month.

Q I am not asking for an exact month, I am asking whether you came in 1944?

A I do not know that exactly, it could have been in December, it could have been January, it could even have been November.

Q In other words, you do not even know the exact year that you came to Dora, is that right?

A Just the same as I cannot tell you exactly with respect to Dora I can't tell you with respect to other camps.

Q So you or do you not know the exact year that you came to Dora?

A No.

Q You worked in the tunnels for approximately four and one-half months, is that right?

A Yes; I came out of the tunnel to up above approximately in May.

Q Now when you arrived at Dora will you please tell the court in answer to my questions, who the leading officials were in the camp, as I ask them of you, please? Was Major Foerschner the camp commander?

A I believe yes.

Q Was Detmers the adjutant at that time?

A I knew that for the first time it was still winter, there was still snow on the ground, on the rollcall place, at the tunnel, up above.

Q Was Moeser the lager fuehrer there at that time?

A No, Moeser only came later in spring, in April/or May.

Q Was Riekhey the director general in the factory at that time?

A No, Riekhey--I only got to know Riekhey later on, a year later.

Q Was Sander there in the camp at that time?

A No, not yet.

Q Was Col. Bischoff there at that time, SS Lt. Col. Bischoff?

A Whether he was in the tunnels I do not know. I heard of him the first time at the executions in the winter of 1944-45.

Q That was when you arrived at camp, wasn't it, in the winter of 1944-45?

A No, at that time we had been all through the summer already in camp.

Q To what political party do you belong, Herr Drunk.

A The Social Democratic Party.

Q Evangelical Lutheran.

Q Now you recall your testimony with regard to conditions in the tunnel, do you not?

A Yes.

Q You stated that there was no water available to drink in the tunnels. Do you recall that?

A Yes.

Q What did you drink in the tunnels?

A We drank little. There was one time when there was mineral water for various details but that was one box of mineral water of 20 bottles for a detail of 80 to 100 men.

Q You did have mineral water available, though, in some quantities, did you not?

A In small quantities.

Q Isn't it a fact that you were also given rum with tea at one time?

A That was about three or four times.

Q And you also received a certain amount of liquids with your regular food, such as coffee, did you not?

A Well, every man was supposed to receive half a liter.

Q And do you want the court to believe that the man who received half a liter of coffee a day and in addition to that is provided with mineral water and occasionally has tea with rum goes into buckets and drinks urine?

A Not all the prisoners received mineral water and, unhappily, the coffee was not sufficient either, in view of the fact that so much dust was there and there were only a few times, or a couple of times when we had that tea and rum and on these occasions we did not receive any coffee.

Isn't it your opinion that a man would have to be practically dying of thirst before he would go into a bucket and drink urine?

PROSECUTION: I pray the court's judgment.

DEFENSE COUNSEL: He is entitled to give his opinion.

PRESIDENT: Objection overruled.

A Of course this is my opinion.

Q And it is your opinion that a man who gets a half a liter of liquid a day, as a minimum, is dying of thirst?

A This development of dust as it was there and all the dirt that was there; yes.

Q Is that because it was very hot in the tunnels and they sweat a lot?

A No! Very much dust was being created on account of explosions.

Q Did the prisoners perspire a great deal in their work?

A Well, you started sweating through work. In itself, it was cold in the tunnels, but if you work hard you start to sweat.

Q Were the prisoners chained to each other?

A No.

Q Did they have to ask permission to stop to wipe off sweat, as they do in the chain gangs in the United States?

PROSECUTION: I pray the court's judgment on that question.

DEFENSE COUNSEL: I withdrew the question. You testified, did you not, that the temperature in the tunnels was quite cold?

A Yes.

Q When you arrived there it was in the winter time, was it not?

A It was in winter.

Q Was it colder in the tunnels than it was outside, or vice versa?

A I do not want to say it was colder in the tunnels. It was sort of an evened up temperature.

Q What work did you yourself do in these tunnels?

A At first I was at the work detail T.O., or C.T., today I do not know any more exactly what the name is.

Q That consisted in carrying parts for the V weapons, did it not?

A Sheet metal.

Q Were these heavy parts?

A Well, four men carried one piece.

Q You testified also as to the tunnel conditions that bodies were

found under the beds when they were torn out, in a state of decomposition. Did you not?

A I did not say that they were pulled out from underneath the beds. I rather stated that they were pulled out from underneath the floor boards upon which the beds were standing and these corpses were being pulled out from water there.

Q How did these bodies get under the floor boards?

A That I do not know.

Q How long had they been there?

A That I do not know either.

Q They were in a state of decomposition, you say?

A Yes.

Q So that they must have been there quite a long time?

A Yes.

Q Wasn't there a rollcall held at least once a week and sometimes more often than that, to count noses?

A Yes.

Q Weren't these men missed that were decomposing under these floor boards?

A There were more than 160 prisoners missing in the lager Dora and this missing amount was carried in the labor statistics.

Q When was it first noticed that there were bodies under these floor boards?

A That was a general rollcall and a certain amount of prisoners were missing. On account of that, the SS came down to the tunnels with the dogs unit and checked the tunnelsover real thoroughly. Based upon that, they found out that prisoners were there underneath these floor boards and that they must have been there for quite a long time because they were prisoners that had long beards. On account of that the water was pumped out, was drained, and then corpses were found.

Were these prisoners who were found there prisoners who had been

hiding; was that the idea?

A Yes, probably they were hiding out there.

Q The SS didn't have anything to do with killing these people, then?

A I don't know what happened to them.

Q When this general rollcall was held and they went down with the dogs to look for them, was this before or after the beds were torn down?

A No, no; we still lived in the tunnels.

Q So, in other words, these bodies were discovered before the beds were torn down; is that right/

A The second time the corpses were found there was the occasion when the sleeping quarters were torn down in the tunnels.

Q Do you mean, then, that the SS discovered that there were bodies under these floor boards before the beds were torn down, and later on when the beds were torn down they discovered there were more bodies there? Is that what you are trying to tell the court?

A No, that on account of the general rollcall and the subsequent searching action at that time corpses were found, and the second time when the sleeping quarters were taken out.

Q In other words, the SS although they knew that 160 prisoners were missing, according to the labor statistics office, made no attempt other than that first time to find out whether there were any more bodies in there; is that it?

A No, but by that I only wanted to say because, as the defense counsel has stated, there were general rollcalls being held and that they had to be correct. By that I wanted to say that the rollcalls never really check in here.

Q In other words, there were always prisoners missing at rollcall; is that it?

(Krung - cross)

A As far as I can remember in Dora, yes.

Q And in spite of that, no attempt was made to go down there and dig up the last of these bodies?

PROSECUTION: I pray the court's judgment. Repetition.

PRESIDENT: The objection is overruled.

INTERPRETER: May I have the question?

(The question was read by the reporter.)

A I did not say that the missing persons consisted of corpses or dead people. Nobody knows where these missing people remained.

Q By that do you mean to say, then, that these missing people were not on the rolls of the SS in the camp?

A They were on the rolls. On the lists, otherwise they would not have noticed that so many and so many prisoners are missing.

Q Then these bodies were listed as missing on the rollcall, were they not?

A Well, if somebody was found, then one person less was being reported as missing.

Q When did the blasting cease in the Kohnstein mountains?

A Well, I came to up above approximately the middle of May and the tunnel was not finished yet.

Q And isn't it a fact that these blastings were conducted by civilian firms?

A That is correct.

Q And isn't it a fact that the civilian firms had the responsibility for providing proper safety measures?

A Yes. But there was one old miner who was working for a civilian firm with 20 years of tunnel experience and nobody ever listened to his advice, what he would say, but only the SS were the sole factor to decide on the final construction of the tunnels, and this man was being treated like a foolish boy.

(Wrung - cross)

Q Do you know the names of the firms, or any of the firms, that were carrying out the blastings at Kohnstein mountain?

A Which firms conducted the blastings especially I do not know. There were firms like Hochtief, Sievers, and Gruen, and Bueffinger. Whether these firms had anything to do directly with the blasting, or which one of these firms was in charge of blasting, I do not know. Among the miners there were many Italian prisoners of war employed.

Q The wooden partitions that you pointed out on Prosecution Exhibit No. 23, these partitions which were between the tunnel where the blastings were taking place and the sleeping tunnels, how thin was the wood in these partitions?

A They were plain wooden boards, approximately of the strength of this table top, but they were constantly deteriorated.

Q Let the record indicate that the witness has indicated a table top approximately one inch in thickness.

PROSECUTION: I don't know whether he is talking about the edge, or this, as the table top, and that is not an inch thick.

A I mean the table top.

DEFENSE COUNSEL: Will the witness please indicate in centimeters or inches the approximate thickness of these boards?

A Two to two and one-half centimeters.

Q Isn't it a fact that immediately beyond these partitions there was a room where the packages were kept?

A Never.

Q Isn't it a fact that the block eldest had a room immediately beyond the partitions and beyond this other room?

A That was only in the first block, which is marked B-4, and that was only in this one block where the block eldest had some kind of a shack.

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Q Are you trying to tell the court that the block eldest deliberately picked the most dangerous spot in that tunnel for a place to sleep?

PROSECUTION: I pray the court's judgment to the question, to its content and to its form.

DEFENSE COUNSEL: If the court please, the witness has testified that at the entrance to these tunnels there was a place, rocks were coming in and workers were hurt, and I think it is fairly proper to ask him if the block eldest would pick the most dangerous spot in that tunnel to live.

PRESIDENT: The objection is sustained.

Q The entrance to the tunnel was the most dangerous one from the standpoint of blasting, was it not?

A No. That part was finished already long ago.

Q You mean the entrance to these sleeping tunnels then, was not the most dangerous part from the standpoint of blasting, is that right?

A The defense counsel asked me what of the entrance to the tunnel and this I understand is on the way up on the right. That means as seen from here it is left.

Q Will you give the court the number of the tunnel about which you are speaking, if it is shown on that map?

A I can't see it from here.

Q Will you step up to the map and tell us?

A (Witness goes to map.) The entrance to the tunnel was here and this had been finished a long time already.

Q Let the record indicate that the witness is pointing to a tunnel marked "8 tunnel" on Prosecution Exhibit No. 23.

A But I was asked whether blastings had taken place and whether I should show it here?

Q If you will, please.

A The blastings took place here.

Q Let the record indicate that the witness is pointing to red

arrows at the extreme lower right corner of Prosecution Exhibit No. 23.

A Here, here, here, here and here.

Q Let the record indicate that the witness has pointed to all the spots in the lower tunnel marked with red arrows.

A Some place in the back here were blastings also but they do not concern us because we always took the route this way along tunnel B down this tunnel and this is where we slept in.

Q And it was in these four tunnels where you slept, where the blastings at times wounded prisoners; is that right?

A Some times, yes.

Q Thank you. Take your seat. Now you testified that the hours of work were 12 hours?

A Yes.

Q Isn't it a fact that after March of 1944 the factory ran in three eight-hour shifts?

A When the tunnels had been finished and production started.

Q You testified on direct examination that you had lost weight until you had arrived at a weight of 67 kilos?

A Well, I weighed at the time we came out of the camp, 134 pounds.

Q You testified on direct examination that you weighed 103 pounds. Do you wish to correct that statement now?

A I weighed at the time I was sent into the camp 103 kilos.

Q I may have misunderstood you. You described the food rations which you received just prior to the evacuation and you stated at that time that you received, I believe, just one cup of black coffee in the morning and at noon you received a liter, or three-quarters of a liter of soup?

A Yes.

Q In the evening about 450 grams of bread, which was supplemented some times with margerine or sausage or marmalade of cheese?

A Yes.

Q Now those were your rations, which you received just prior to the evacuation, isn't that a fact?

A No. This is what we received in the tunnels.

Q Now isn't it a fact that it was understood, and is the usual custom in all German military establishments, that the bread which was given to you once a day is supposed to be the portion for all meals?

A Yes, but if somebody was hungry he would eat it at one time.

Q 450 grams of bread is nearly half a kilo; is that right?

A Yes.

Q And that is a little over a pound, isn't it?

A No, a pound is 500 grams.

INTERPRETER: German pound.

Q Do you recall in your direct testimony you stated that you were one of the few prisoners who did not drink whiskey?

A First of all, not liquor which was brought up from the tunnels because if I would have wanted liquor by all means I would have gotten it from the warehouse. Not officially, but through prisoners.

Q You mean prisoners could get hold of whiskey unofficially?

A No! But they worked in the warehouses and I was well acquainted with them.

Q How did they get it officially?

A They never received it officially. They simply stole it.

Q You mean the prisoners stole things from warehouses?

A Well, if you referred to liquor, which we usually never received, they would organize or promote one or two bottles.

Q You didn't receive enough food you testified. Did they steal food?

A I did not see it!

Q You also testified you did not get enough clothing; did they steal clothes?

A This was hard to do.

who never washed in months, who drank urine because they were dying of thirst. They were dying of cold because of the rags they were dressed in. On the other hand you have painted a picture of prisoners who could get whiskey if they wanted it badly enough, who could buy beer at the canteen, who had barbers who shaved them, who had watch repair shops they could take watches to and who had women that they could have a little evening of divertissement with. How do you reconcile these two pictures, Herr Drung?

A This is simple. I would say that this question of clothing and with respect to thirst was at the time when the tunnels were in the process of being constructed. The beer in a canteen only started to be sold in later summer 1944, if you can call it beer. The whole conditions in the camp were quite different and it was like day and night. Also the amount of death cases immensely decreased when we lived up above and when when I said that they were able to procure liquor, that only referred to a few single prisoners who had friends working in the warehouses and which was not available for the broad masses of the prisoners. And if you want to picture the brothel that we had there and if you call it rest and recreation, then this is the biggest shame of culture, because the girls that were in there were forced by the SS to be there.

Q I take it you were shocked at these conditions, Herr Drung?

A What conditions?

Q The condition of having this brothel in camp?

A Shocked on account of the fact that these women came to the camp and I had my friends in camp. Old friendships were broken up on account of the camp and these prisoners had not seen a woman for many, many years.

Q Herr Drung, in direct examination I believe you were asked if conditions got better in the camp, or worse, and you testified that they got worse. Isn't that so?

A I said that the conditions with respect to health were better

Q But it was easy to steal whiskey, is that it?

A Well, those prisoners who worked in the warehouses enjoyed the full confidence. Whenever so many and so many boxes were delivered to the SS canteen, they took out a few bottles.

Q How about the prisoners who worked at the clothing store, didn't they enjoy full confidence?

A This is a basic requirement.

Q Why didn't they organize a few clothes for these prisoners who were freezing to death for lack of warm clothing?

A Maybe they did it. I don't know.

Q Isn't it a fact that prisoners could also buy beer at the prisoner's canteen some times?

A Yes.

Q Isn't it a fact that the prisoners had barbers who came in and shaved them?

A That also is correct. They were prisoners also. Each block had a block barber.

Q Isn't it a fact that the prisoners had a watch repair shop in the camp?

A Only a few prisoners were allowed to have watches and those that were allowed to have watches were those that were prisoners that had privilege.

Q Isn't it a fact that the prisoners also had a brothel provided for them in the camp where they could have women?

A Well, this unfortunately was a very ill-fated institution which was introduced when the camp leader came from Auschwich. The camp leader by the name of Hoessler.

Q Now, Herr Brung, I should like you to reconcile for the court these two very widely divergin, pictures which you have given of this camp. On the one hand you have painted a picture of prisoners starving to death

who never washed in months, who drank urine because they were dying of thirst. They were dying of cold because of the rags they were dressed in. On the other hand you have painted a picture of prisoners who could get whiskey if they wanted it badly enough, who could buy beer at the canteen, who had barbers who shaved them, who had watch repair shops they could take watches to and who had women that they could have a little evening of divertissement with. How do you reconcile these two pictures, Herr Drung?

A This is simple. I would say that this question of clothing and with respect to thirst was at the time when the tunnels were in the process of being constructed. The beer in a canteen only started to be sold in later summer 1944, if you can call it beer. The whole conditions in the camp were quite different and it was like day and night. Also the amount of death cases immensely decreased when we lived up above and when when I said that they were able to procure liquor, that only referred to a few single prisoners who had friends working in the warehouses and which was not available for the broad masses of the prisoners. And if you want to picture the brothel that we had there and if you call it rest and recreation, then this is the biggest shame of culture, because the girls that were in there were forced by the SS to be there.

Q I take it you were shocked at these conditions, Herr Drung?

A What conditions?

Q The condition of having this brothel in camp?

A Shocked on account of the fact that these women came to the camp and I had my friends in camp. Old friendships were broken up on account of the camp and these prisoners had not seen a woman for many, many years.

Q Herr Drung, in direct examination I believe you were asked if conditions got better in the camp, or worse, and you testified that they got worse. Isn't that so?

A I said that the conditions with respect to health were better

when we lived up above. If the food supplies from the beginning of winter of 1945 on were delivered irregularly, maybe on account of the bombings.

Q Now you have testified that the working hours went down to eight hours, three shifts of eight hours each, and that conditions generally improved. Is that correct? Toward the end, except the food?

A The work conditions in the tunnels were quite different than in the beginning, because later on they even had some air conditioning or air clearing.

Q And conditions in camp were better too, were they not?

A Well, what would you say were conditions? The lack of clothes remained until the end and sleeping conditions the same.

Q Now isn't it a fact that the prisoners were organized into sports and they had football games at Dora?

A Certainly groups of people, for instance kitchen crews, the SS canteen crew, these people that had the food for it.

Q In other words, you are telling the court that this camp was composed of various groups/of all which had in some way or other their own little privileges and their own--

PROSECUTION: I pray the court's judgment.

PRESIDENT: The question is withdrawn.

Q Isn't it a fact that the Italian prisoners of war had separate barracks outside the camp?

A In Dora, yes.

Q Do you know whether or not the Italian prisoners of war were paid for work they did?

A In Dora in the end we received certain coupons, and they were marked K.L. Mittelbau (English concentration camp, Mittelbau), but we were not being paid by the hour. We received every one, two or three weeks these coupons and they were good for ten, twenty, or five marks. It depended.

(Drung - Gross)

Q Herr Drung, I am speaking specifically of the Italian prisoners of war. Do you know whether they were paid, as prisoners of war?

A This is not known to me.

Q Is it a fact that the so-called French prisoners were Maquis, members of the resistance movement in France?

A About that nothing is known to me. I only know that they had been apprehended at the time of the invasion of France and were sent to us.

Q Is it not a fact that the Italian prisoners of war were permitted to go to work and leave the enclosure without guards?

A That is correct.

Q And isn't it a fact that they were employed by civilian concerns who were building part of these tunnels?

A It is known that the Italian prisoners were those who were skilled workers, many mine workers, were employed by these firms and were specially used by these firms because they were skilled workers.

Q Didn't you testify on direct examination that there was no difference in treatment whatever between prisoners of war and the concentration camp prisoners?

A There was no difference because they received the same food as we did and they received the same beatings as we did.

Q Were the prisoners in the concentration camp permitted to go to work without guards?

A Maybe some groups. For instance, the people that worked in the SS canteen or the prisoners that worked in the tunnels could go, and for instance some individual other people, like I, myself, could go out by reporting out with my number.

Q You mean you could leave the enclosure, the camp, without a guard?

A That also goes for every other prisoner as long as he went to the tunnels, because the road was guarded.

Q Was the road fenced in all the way from Dora to the tunnels?

A No, it wasn't fenced at all, there existed a small chain of guards and a big chain of guards and whoever would have tried to escape would have been a fool.

Q How far apart were these guards posted?

A These guards were not standing directly on the road; they were standing in the field and they were apart so far that at least one could see the next one.

Q Where was the stone quarry in Dora?

A I stated already in my examination that I had never been at the stone quarry and I could not even give you approximately the direction.

Q How many prisoners were shot at the stone quarry in Dora?

PROSECUTION: I pray the court's judgment. If he knows. There has been no testimony from this witness about shootings at the stone quarry.

PRESIDENT: Objection overruled.

DEFENSE COUNSEL: Please answer my question.

A I was never present at an execution. I only know that Italians had been shot there. I do not know how many, and who conducted the shooting, and therefore I did not give any testimony to that effect.

Q Do you know that there was a ban on medical products being received in packages?

A I do not know anything of a ban or prohibition.

Q There was a secret resistence organization in the camp, was there not?

A Yes.

Q And just what were the avowed purposes of this resistance organization?

A Thepurpose of intention was that eventually all of us wanted to get out and we tried to get in contact with other camps and this intention

is easily understandable that every person is longing for liberty.

Q It was also one of the purposes of this resistance movement to obstruct the construction of V weapons, wasn't it?

A That I do not know.

Q You were a member of the resistance move, were you not?

A Yes.

Q Then you would know if such a purpose existed, would you not?

A There were certain groups who were only informed of certain things.

Q Isn't it a fact that on several occasions explosives were introduced into the camp in packages under the guise of being medical powders?

A This is what the SS said in order to have an excuse to be able to confiscate the canned items for themselves.

Q Do you know that it is not a fact that explosives were introduced into the camp in that way?

A Explosives would have had to be sent in tin cans and as these packages were being sent from the Red Cross I don't believe that the Red Cross would send explosives, because they would not have wanted to be guilty of such an offense.

Q It would have been possible to tamper with these packages before they arrived at the camp, would it not?

PROSECUTION: I pray the court's judgment.

A I did not quite understand the question.

Q Do you know as a fact whether or not explosives were introduced into the camp under the guise of medicines?

A About that nothing ever got to my knowledge.

Q You also testified, did you not, that Andrae destroyed certain medicines which were unknown to him?

A Yes.

Q But that he did not destroy medicines which were internationally

known, such as aspirin; is that right?

A That I don't believe that he also destroyed that.

Q Didn't you testify that he did not destroy medicines which were internationally known, such as aspirin?

A I stated that he destroyed medicines which were not known to him and this is according to what those two prisoner doctors told me, and that medicines which were known to him at first came to the prisoners' dispensary and afterwards also were present in the SS dispensary.

Q Now isn't it a fact, if you know, to your knowledge, that the reason that these unknown medicines were destroyed was for fear that they might be explosives?

PROSECUTION: I pray the court's judgment. It is the fifth or sixth time that question has been asked.

PRESIDENT: The objection is overruled; the witness will answer the question.

INTERPRETER: May I have the question?

(The question was read by the reporter.)

A Well, there also would have been physicians present who could have defined this matter.

Q Now you testified on direct that you overheard a secret conference between Hoesler, Woeser and others in which the question of liquidating the prisoners was discussed. Do you remember that?

Yes.

Q What was the approximate date of this, please?

A It could have been four or five, but it also could have been 8 days prior to the evacuation.

Q You said at that time that Hoesler was very vigorously opposing certain orders which he had received as to the methods of liquidation?

A No. I said this: I said that Woeser resisted the order procedure of gassing us in the tunnels and would have rather preferred the

Q Isn't it a fact that you said that Bessler was opposing these orders and not Boger in your direct examination?

A I also said Bessler.

Q Where did these orders come from?

A As far as I understand it from Bessler. He is some kind of an SS General or something.

Q So this plan for liquidating prisoners did not originate with either Bessler or Boger, is that correct?

A No, it was only the transmission of the order with respect to liquidating the prisons, and they just argued upon the method of liquidating them.

Q Now, when you were testifying and refreshing your memory from your block book, you mentioned an item called the Sawatzki detail?

A Yes. I said that one day before the evacuation 600 skilled workers were specialized workers from Sawatzki, and 600 specialized workers, Jewish from Sawatzki, were transferred to Birlich.

Q What was the Sawatzki detail?

A For us, for those people who did not work in the labor statistics, it was said that all people, all prisoners that worked in the tunnels were the Sawatzka detail.

Q Now, those entries that you made in your block book, Herr Drum, I believe you said that they were erased every day and a new figure entered in, is that right?

A There seems to be a mistake here. I would like to differentiate first the little notebook where all the dates are contained with respect to how many people were being evacuated and with respect to the transport, and I differentiate my case book upon which the strength of the camp, of the prisoners changed or has changed every day.

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A No, it was only the transmission of the order with respect to liquidating the prisons, and they just argued upon the method of liquidating them.

Q Now, when you were testifying and refreshing your memory from your block book, you mentioned an item called the Sosnitzki detail?

A Yes. I said that one day before the evacuation 800 skilled workers were specialised workers from Sosnitzki, and 200 specialised workers, Frenchmen from Sosnitzki, were transferred to Birlen.

Q What was the Sosnitzki detail?

A For us, for those people who did not work in the labor statistics, it was said that all people, all prisoners that worked in the tunnels were the Sosnitzki detail.

Q Now, those entries that you made in your block book, Herr Drum, I believe you said that they were erased every day and a new figure entered in, is that right?

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(Drum -Cross)

Q Isn't it a fact that you said that Bessler was opposing these orders and not Boser in your direct examination?

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Q Now, when you were testifying and refreshing your memory from your block book, you mentioned an item called the Sawatzki detail?

A Yes. I said that one day before the evacuation 800 skilled workers were specialised workers from Sawatzki, and 200 specialised workers, Armenians from Sawatzki, were transferred to Auschwitz.

Q What was the Sawatzki detail?

A For us, for those people who did not work in the labor statistics, it was said that all people, all prisoners that worked in the tunnels were the Sawatzki detail.

Q Now, these entries that you made in your block book, Herr Drum, I believe you said that they were erased every day and a new figure entered in, is that right?

A There seems to be a mistake here. I would like to differentiate first the little notebook where all the dates are contained with respect to how many people were being evacuated and with respect to the transport, and I differentiate my own book upon which the strength of the camp, of the prisoners changed or was changed every day.

(Drum -Cross)

Q Well, I had reference to the lager book. The entries which now appear in that lager book were just the last entries, is that correct?

A The same book served me as a document of the ever strength, and was changed every day with respect to new arrivals or departures over the block. One or two days before the evacuation this same book was not carried any more.

Q So, therefore, I repeat my question to you, the entries that you made in that book were the last entries that you made?

A Yes.

Q And the former entries as to strength were erased and these entries were made, were they not?

A Very correctly.

Q Now, where was the book located, the whipping book?

A That wandered--that moved. It was in the block leader's barracks. Maybe it also was in the bunker. I do not know that, but most of the punishments were being administered in the roll call leader's room.

Q And who used this instrument?

A The book?

Q Yes, the book.

A Who all the people were that did the beatings, I don't know, I only know that the SS Sergeant Mueller, the tiger from Sachsenhausen was one who conducted many beatings.

Q Did he use that book to make those beatings on?

A Well, most of the time they were being beaten over the book, but sometimes they were also placed across a foot stool. There was no set procedure of that.

Q Was that book used when an official punishment was to be meted out, or could anybody use it just any time that they felt like it?

A That I do not know exactly whether this book was only used for official beatings or whether it was also used for illegal whippings.

Q Did you ever yourself see a whipping or beating conducted with that back used as an instrument?

A No, I was never present.

Q Did any of the accused ever use that back as an instrument for beating, to your knowledge?

A I do not know that.

Q Now, you stated when it was first brought into court that in your opinion the original model was about 15 centimeters lower, is that correct?

A It was considerably lower.

Q And the part upon which a man was supposed to lie was also more hollow, is that correct?

A Yes.

Q Was this particular model constructed here according to your supervision or according to your direction?

A I did not give any instructions or supervision.

Q Was yesterday the first time you ever saw that model?

A When I came here to Dachau I saw this book already.

Q Will you look at it once more and tell the court if there are any other differences with the exception of the fact that it is a little higher, and the position where the body lies is not quite as hollow as the original?

A I would not know that there are any other fundamental differences in this book.

Q And what was this strap that is put across this book used for, Herr Drum?

A This is to hold somebody so the prisoners could not get up, but it is too far ahead here, it should be further up.

Q And did the original model have a buckel or some other method of fastening this strap?

(Drum-Cross)

A Well, I didn't look that carefully at that book because in the various camps I saw many books, that it was nothing exceptional to me.

Q Now, as I understand it, when the person was to be beaten he was strapped down at the time with this strap so he couldn't move, is that correct?

A Yes, he was held at his hands and there also existed blocks where somebody would strap down.

Q Now, we are talking about the book at Dora, Herr Drum.

A I do not know whether this strap across the book in Dora was attached or whether it was to be buckled because I wasn't interested so much in it, it was nothing new to me.

Q But in any case you do know that the purpose of the strap was to make the person who was to be beaten lie flat on this hollow part, isn't that the purpose of it?

A Yes, this is what the straps are here for mainly.

Q Now, when this was first introduced in court you demonstrated to the court how the man who was to be beaten stood, and he lay on this book. Will you do that please again?

A Yes. Like this (indicating).

Q Now, it isn't possible for your body to lie on this hollow part, is it?

A Well, one was pulled up so one could lie down.

Q The one that you said was in Dora was 15 centimeters lower, which would bring this top part 15 centimeters down, wasn't it?

A Yes.

Q Now, it isn't possible for you to put your body flat on this one. How would it be possible for you to put your body down on one that was 15 centimeters lower?

A Well, when I was in camp, I didn't look the same way as I do now, and there were no prisoners in camp at all who looked the way I look now.

Q All right, that is all, take your seat please.

(Thereupon the witness resumed the witness stand.)

Q Now, in connection with these punishments that were given to the prisoners, will you tell to the court where this pond was that prisoners were pushed into ice cold water and beaten?

LIEUTENANT JONES: I don't recall the testimony that refers to a pond. He is referring to another witness' testimony.

DEFENSE COUNSEL: I haven't said that this witness testified to that, I am asking where the pond was where it was conducted. My question is where was the pond where the prisoners were pushed in ice cold water and beaten?

THE WITNESS: I never testified anything about that, and it is completely new to me that I should have said anything about a pond.

QUESTIONS BY DEFENSE COUNSEL:

Q Herr Drum, do not misunderstand me, I am not saying you testified to that, I said, where is the pond where the prisoners were supposed to have been pushed into ice cold water and beaten?

A I did not see anything similar to that in Dora where prisoners were being beaten and being pushed in. There were ponds for the purpose here to distinguish fires here in Dora.

Q Where was the punishment tree in Dora where prisoners were tied to and beaten?

A I do not know anything of a punishment tree.

Q Where was the stone pile in Dora where prisoners were made to stand as punishment?

A I do not know.

Q You mean you have never heard of a stone pile where Simon made prisoners stand hours on end for punishment?

A That was not a stone pile. That was when the camp place was fenced in and there were foundations of stone which were about that high (indicating) 20 to 30 centimeters.

(Drum-Cross)

Q Now, you remember the stone pile, is that it?

A That is not a stone pile, I did not mention any stone pile.

Q Do you remember the punishment tree now?

A That was probably the Russian Jehovah's Witness or Adventist who was standing on that.

PRESIDENT: Are you asking now if he remembers the punishment tree?

DEFENSE COUNSEL: Yes.

PRESIDENT: I don't believe that was translated.

(Whereupon the interpreter translated the last question for the witness.)

THE WITNESS: I never stated anything of a tree--a punishment tree.

QUESTIONS BY DEFENSE COUNSEL:

Q I am just asking whether you remember it or not, that is all.

A I do not know anything of a tree.

PRESIDENT: The court will recess until 1330.

(Whereupon at 1155 hours the court recessed until 1330 hours.)

* * * *

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AFTERNOON SESSION

(Thereupon the court reconvened at 1330 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all the members of the court are present; the defense and the prosecution are represented by counsel; all of the accused are present; the reporter and interpreter are present.

At the end of the last session the witness Lrung was under cro s examination.

PRESIDENT: The witness is reminded that he is still under oath.

ROMAN LRUNG, called as a witness by the prosecution, being duly reminded that he was still under oath, resumed the stand and testified through an interpreter as follows:

CROSS EXAMINATION, continued.

QUESTIONS BY THE DEFENSE COUNSEL:

Q Herr Drung I would like to call to your attention your testimony with regard to the transport in which you were in. You said that when the transport started white arm brassards were handed out to selected prisoners?

A Yes.

Q Who passed these white arm bands out?

A I received these white arm bands either from SS Technical Sergeant Knittler or from SS First Lieutenant Moser.

Q What was the purpose of the white arm band? What did it indicate?

A These prisoners were permitted to act outside of the railroad cars. That is, they were permitted to move outside of the railroad cars.

Q I believe you said that as a result of the fact that you had additional arm bands made and distributed there were more prisoners armed than there were SS men, is that right?

A I believe that I was misunderstood there.

(Lrung-cross)

Q What did you say?

A I said that I received somewhat more than 30 arm bands and that I had arm bands made up and stamped with a false stamp because I wanted to have more prisoners in this group, in this detail and we hoped that everybody who was wearing white armbands would be given weapons.

Q You did say, did you not, that sometime during the transport prisoners were issued weapons--that there were more armed prisoners than SS men, is that correct?

A Not that the prisoners were given weapons but that they got them out of the tunnel.

Q Yes. Well, the net result, however, was that there were more prisoners armed than there were SS men, is that right?

A No. I spoke about the roll call in Dettenborn. After my conversation with Moeser, in accordance with which I told Moeser if he was not afraid of a mutiny on the part of the prisoners. Thereupon the SS were assembled by Moeser and told that the prisoners for the most part had weapons and that it is not in order that the prisoners have more weapons than the SS.

Q Did any of these prisoners who were armed do any of the shooting in this transport?

A I didn't see any.

Q Did any of these prisoners who were armed shoot any of the SS men?

A Also not. This entire detail 110 escaped including the very last man up to Ochm.

Q What do you mean by this Commando 110?

A Those were the ones who had armbands.

Q Were they the same ones who had the weapons?

A Only a part of them had weapons, perhaps 25. It was not quite 30.

(Drung-cross)

Q Approximately how many SS men were on this transport?

A Exactly three thousand.

Q Three thousand SS men?

A We were told that, yes.

Q There must have been more than three thousand prisoners with arms is that right?

A I said that from 25 up to 30 prisoners carried weapons.

Q Well your testimony is either conflicting Herr Krumg or else I do not understand your answers correctly. Do you say that this Appel in Osterode Moeser called all his men together and told them they must stop giving armed prisoners or arms to prisoners because there were more armed prisoners than ther were SS men, is that right?

A Yes, but the roll call was not in Osterode it was in Dettenborne. The Major probably did not understand the sense of my words. Moeser meant--what he said was that the SS was not to give any more weapons to the prisoners.

Q Didn't he give as his reason for that the fact that there were already moreprisoners with arms than there were SS men?

A No. The sense is--in German one can say it better--many SS people on the way, as one would say in good German, ran away, took "French Leave" and the demoralization among the SS had progressed quite a bit. So, as a result of this he wanted to tell the SS that it is not correct that you give the prisoners more weapons because he meant it in the sense that if this continued like this the wind up would be that there would be more prisoners with weapons than there were SS people.

Q How many prisoners did you say were on this transport?

A The book will confirm this. There were approximately 4 thousand four hundred and something. The book can give the correct number.

Q You said that there were 35 prisoners who were shot at Osterode?

A Yes.

(Krumg-cross)

Q Where were you at the time the shooting took place?

A At the railroad train. I was running here and I was running there.

Q Where was Moeser?

A Moeser was also among the prisoners. You must imagine the train as it is standing there and after that two meters and in back of that were the SS standing who had blocked off the train.

Q Was there a great deal of confusion at this place?

A Yes, that it was. This resulted from the shootings.

Q Was the transport having difficulties with the railway administration in getting transportation and making train connections, etc.?

A Yes, they did have, and that is why we stopped in Dettenborn, in Korsberg and in Osterode.

Q Did you say that you didn't see any of the prisoners who were armed shooting, is that right?

A I didn't see any and the purpose of these weapons was entirely different than to shoot the prisoners.

Q What was the purpose of the weapons?

A For our own safety because we all had the plan as soon as possible to escape.

Q Is that why the SS gave you some of the weapons?

A No, we fooled the SS.

Q The SS did give you weapons though, didn't they?

A I have already said that two or three received weapons from the SS. The others stole the weapons from the tunnel.

Q In other words only two or three prisoners got weapons from the SS, is that right?

A Yes.

Q So that it was certainly not a very common practice was it? It was very rare, that is for the SS to give their weapons to the prisoners?

(Drung-cross)

A That was very rare.

Q Is that why a man in the condition that Moser was, with all the responsibility of this transport on his shoulders and worried by the delays which the railway administration was causing him took time out to call all the SS men together and tell them they must stop giving weapons to the prisoners or else in a short time more prisoners than SS men would be armed?

PROSECUTION: I pray the court's judgement as to the questions contents and form.

PRESIDENT: The objection of the prosecution is sustained. The witness will not answer the question.

QUESTIONS BY THE DEFENSE COUNSEL:

Q You say that only two or three prisoners were given arms by the SS, is that right?

PROSECUTION: I pray the court's judgement.

PRESIDENT: The objection is sustained.

Q You were a member of a so-called self protection were you not?

A This word I do not know, "Self Protective Organisation".

Q Isn't it a fact that all the German prisoners in this transport organized and agreed to try to get arms in order to protect themselves from th foreign prisoners?

A First of all that did not exist. Second of all the Germans themselves were split according to their political views. I belonged to the resistance movement and we tried to get in touch with the other camps in order to escape, if necessary by force. That had nothing whatsoever to do with the foreigners. On the contrary, we stuck together with the foreigners. As a proof for this the many hangings.

Q Where did you obtain these arms for the resistance movement which you had hidden in the tunnel?

(Drumg-cross)

A We didn't keep any weapons hidden in the tunnel.

Q Didn't you say that you had some weapons hidden in the tunnel which were issued to these prisoners of the resistance movement just prior to the evacuation?

A These were not weapons of the prisoners, these were weapons which the SS, through the circumstances which arose, arbitrarily left there.

Q Arbitrarily left where?

A In the tunnel.

Q How did the prisoners get hold of them?

A They went and got them and stuck them and took them.

Q These were rifles I take it?

A Mainly pistols.

Q When you started on this foot march at the end of this transport you testified that you were in the rear of the column, is that right?

A In back of me the people from the clothing supply store and the people from the kitchen were going, but I was the last of the main part of the column.

Q You also said that at one point you noticed so many shootings taking place that you went up forward and met Moser and complained to him of all these shootings that were taking place?

A Yes.

Q Now if Moser had either given the order for these shootings or had been present when these took place or knew about them why was it necessary for you to go up and inform him of what was going on?

A I went mainly to Moser for the reason that we were pulling carts on which the baggage of the SS was and when prisoners became weak so we loaded them on to these carts and pulled them ourselves and the SS, even though these prisoners were very dear to us and friends of ours came and pulled them off these carts and shot them and I wanted to ask Moser if this (Drung-cross)

was necessary because we wanted to help these people ourselves and they wouldn't have been a burden.

Q Before you informed Moeser of what was going on then in that regard he didn't know about it is that it?

A Moeser in Osterode came from the front to the rear and was looking for Corpiewa and wanted to shoot him and he happened to come along and saw that the SS clothing supply room was not ready as yet. He personally shot a Pole and continued on. He knew that there were shootings taking place because it could be heard for kilometers.

Q How did any of these prisoners on this march die from exhaustion?

A Everybody who became weak was shot.

Q Did any of them die of hunger or sickness?

A No, they were all shot to death.

Q No one on this entire transport of four thousand died of either hunger, exhaustion or sickness, is that right?

MR. MCCUE: I pray the court's judgement. I would like to put my position plain, may it please the court. I don't want to get up here and object to questions on the ground that they are repetitious. On the other hand I don't want the prosecution to be left in the position where it does not at least on the record attempt to protect its record and I don't know where the dividing line ought to be. It is difficult for me sometimes. But this is an instance where mere rephrasing of a question asked not more than a minute before--If the court has any instructions as to how far we should go as to objections on repetitious questions, I would surely like to have them.

DEFENSE COUNSEL: I would like to be heard on that, if it is all right.

PRESIDENT: Go ahead.

DEFENSE COUNSEL: The purpose and basic philosophy of the defense and I believe of the prosecution is to try this case as expeditiously, as fairly, and as justly as possible. I am sure that the court is in complete sympathy with these views. I realize the prosecution has been indulgent as to the manner of objections to questions by the defense. I think the same reciprocity has been extended by the defense to the prosecution, even far more so since this is cross examination on our part, and it is a well known rule of law that in cross examination great latitude should be permitted insofar as we are trying to test the veracity of the witnesses' testimony. On the other hand, the prosecution has examined this witness for nearly two days, repeated incidents many, many times, and led the witness almost completely through the entire testimony, and we did not object in any way. I believe, in all fairness, the defense should be permitted to conduct its cross examination following its own theory of the case within the greatest possible latitude, without constant interruptions.

PRESIDENT: The objection to the particular question here is overruled.

It is not the desire of the court to interfere any more than necessary with the development of the case by either the prosecution or the defense. The court does feel and agree with the position stated by both sides that they want the case tried as expeditiously as possible without any more reports and any extraneous matter being brought into it. If the prosecution feels that it should and wishes to object to any particular question asked, why, the court would rather he would do it at that time than to generalize and have a continuing objection before the court. It has been stated either two or three times that the court would rather

that the objection be stated at the occasion -- rather than to make a sort of declaratory judgment on the court's part. Neither side is under any obligation out of reciprocity to the other to allow questions to go in without objections which are properly objectionable.

QUESTIONS BY DEFENSE COUNSEL (continued):

Q Now, Herr Drung, will you please answer my question?

PRESIDENT: Will the reporter give us the last question?

(Whereupon the question referred to was read by the reporter as follows:

"Question: 'No one on this entire transport of four thousand died of either hunger, exhaustion or sickness, is that right?'")

A As far as I was on this transport, until Ueka, everyone who was lying there -- nobody died of hunger or exhaustion; they were all shot to death.

Q There were some sick prisoners selected for this transport, were there not?

A In Osterode 460 sick persons remained.

Q And who selected these sick prisoners originally to be in the transport, do you know?

A Nobody was picked out. It merely was stated the remainder, the entire camp was to be evacuated.

Q Was this the last transport that left Dora?

A That was the last trarsport that left Dora, but 550 still remained in the tunnel for certain cleaning -- special cleaning up work. These were picked out. Everybody else was just bunched together.

Q Do you know who it was that prescribed the food rations that were issued to the prisoners on this transport?

A No.

Q Do you know of an occasion in which Kaeser got into a very serious argument with Bremeis because Bremeis, who was in charge of supply, had given the food supply to the Wehrmacht instead of to the prisoners in the

(DRUNG-Cross)

transport?

A Nothing is known to me about this conversation. I only know -- that is, one-third of the prisoners who were on this transport did not receive any rations for the transport. If they got to the Wehrmacht, I do not know.

Q Isn't it a fact that Lieutenant Hoessler was the one that made all the arrangements for the transport and organized it?

A I don't know if it was Hoessler or Moser.

Q Was Lieutenant Hoessler on the transport as well as Moser?

A No.

Q Do you know of an occasion on which Moser gave an order to a man by the name of Tewissen to return to Dettenborn to Dora to get additional food rations?

A No, it was the other way around. In Dettenborn Tewissen went to Dora and not the other way around.

Q Well, that is what I meant.

A Yes, but the question was stated the other way around.

Q Well, do you remember that occasion?

A Yes.

Q And did Tewissen get additional food for the prisoners?

A So far as I know when Tewissen came back with the truck, he said that he had had difficulties in Dora because the Wehrmacht was there already and that they wanted to arrest him. The SS had nothing to do in Dora any more.

Q Now, isn't it a fact that Moser told you that the reason they had run short of rations in the transport was that the trip was originally to take only one to two days but due to the difficulties with the railway the trip took longer?

A I don't remember this conversation but would like to make this objection, because one-third of the prisoners did not receive any rations

so that the matter could not be quite correct.

Q Now, you testified to some extent as to this question of sabotage, Herr Drung. You recall that you said that prisoners were punished on several occasions for stealing cement bags, and rubber for their shoes, wire to tie their shoes up with, tin to make spoons with?

A Yes.

Q Now, can you give the court the name of just one prisoner whom you know who was hung for sabotage, for any one of those offenses which I have just mentioned?

A On account of the many prisoners who were hung due to such small things, it is very difficult for me to name just one single individual. It would be the same thing as if I would ask you in eight days from today what you had eaten for lunch today. That you have eaten lunch today, one knows, but what one has eaten one cannot remember eight days; and it is the same way with all these hangings.

Q Do you know the name of one, Herr Drung? Yes or no?

DEFENSE COUNSEL: If the court please, I am going to ask the court to instruct this witness to answer this question "yes" or "no" -- if he knows the name of one prisoner ---

A I can remember the name of one or two of these prisoners ----

PRESIDENT: The witness will answer the last question "yes" or "no."

A No.

Q Did you yourself wear any of these cement bags in order to protect yourself from the cold, Herr Drung?

A No.

Q What did you yourself wear down in these tunnels?

A I wore that as every other prisoner. I came from another camp, from an outside camp, and was pretty well equipped yet because we were equipped on transports with pretty good things.

Q What did you wear?

A One pair of shoes, stockings, underpants, a shirt, a jacket, and a pair of pants.

Q Did you wear a leather coat, or a leather jacket, of any kind?

A I received a leather coat in January when I was assigned as the camp eldest because I was sick and under treatment. Thereupon I received a leather coat from Bremmis with the remark that in the from the letters "KL" and on the back a large, visible cross was to be worn. Since that time I only had a leather coat.

Q What do the letters "KL" mean?

A Concentration camp.

Q Now, you stated that the sabotage reports came from three sources -- from the Security Service, the SD; from the prisoner informers; and from the capos. Is that correct?

A When I say capos, I mean the prisoner informers, but on the third side, I meant the civilians.

Q And these sabotage reports eventually reached the office of Sander and Bischoff, did they not?

A As far as I knew, that was the last authority -- the highest authority.

Q Now, Sander and Bischoff then would interrogate the accused, is that correct?

A Yes.

Q Now, were there any reports that did not reach the Security Service -- or, in other words, were there any reports of sabotage that did not eventually find their way to the Security Service?

A I wouldn't know.

Q You recall you testified that certain Russians had obtained some materials to make an electrical stove and electrical heaters to heat their food in the tunnels?

A Yes.

Q And where did they get these materials?

A The Russians -- these dippers did not belong to the Russians; they had borrowed them from the Frenchmen.

Q Where did the Frenchmen get the materials for these dippers?

A From the tunnel.

Q They got materials to make electrical -- It was an electrical apparatus, was it not?

A Yes, a dipper is an electrical apparatus.

Q Now, these materials that they used for these electrical dippers and for such items as that were also used for the manufacture of V-weapons, were they not?

A All this material -- that is, all these things that were produced, that were made there, were made from scrap, scrap which was lying around in heaps. They didn't have any access to new material.

Q Did you know of an, case in which prisoners stole materials that were critical for the manufacture of V-weapons?

A I was never active -- or present -- at the actual production in order to know which materials, which metals, were needed or critical for the manufacture of the V-weapons.

Q So when you say these prisoners used only scraps you really don't know whether those scraps were critical materials or not, do you?

A That is possible, but if something is thrown away onto a heap it is hardly to be believed that this would be used for any production.

Q In your opinion, then, the prisoners only used scrap material for the construction of these things, is that right?

A Yes. It usually was said that they had found something. I don't know if some place or other they cut something off from any things. I didn't see it.

Q In your opinion, is it possible to construct a wireless set out out of scrap materials?

PROSECUTION: May it please the court, I address myself to the question's -- as to the materiality as to whether these things were made out of new or secondhand or scrap material. I object to it all on the grounds it is immaterial and irrelevant to any of the issues in the case.

[illegible] If the court please, the materiality is very evident. The witness testified that people were hung for sabotage. He has further testified that this sabotage consisted of stealing scrap material, that therefore people were hung for minor and trivial offenses. The defense is trying to bring out the fact that, on the contrary, the prisoners who were punished for sabotage stole critical material from a secret project. That is very definitely relevant.

[illegible] PRESIDENT: The objection is overruled.

A The wireless set was not constructed out of material from the tunnel. It was constructed out of material from x-ray apparatus in the dispensary, from diathermy apparatus, and not from any material in the tunnel.

Q Herr Drung, do you know of your own knowledge or did you hear during your presence in this camp that there was widespread sabotage going on in the V-weapon production?

A I knew that when the V-weapons didn't function correctly that the prisoners were accused of sabotage. If the prisoners were guilty, that is beyond my knowledge. I was of the opinion that the control, remote control, of these distant weapons had not progressed so far that they could be controlled, because all of these projectiles were tested by the Wehrmacht, were tested to see if they were in order.

[illegible]

Q [illegible]

A [illegible]

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Q Q Did you hear of a case in which a Russian was accused of sabotage because he had urinated into the fuel tank of one of these "V" weapons?

A I know of one case where a Russian was supposed to have urinated, but these parts were lying all around, and I only know that he was supposed to have dirtied this tank or whichever part it was from the outside.

Q Isn't it true that numerous instances came to your attention that prisoners had cut cables, had damaged machinery and had performed other works of sabotage on the "V" weapon?

A First of all, I don't believe that that was the case because there were cables of half meter to meter lengths lying all over the tunnels and also up above, then first of all, the SS should be accused of sabotage because first of all the SS beat us with these cables.

Q Now, who was it who conducted the interrogations when there was an accusation of sabotage--was it Bischoff or was it Sander?

A That I don't know.

Q Don't you know who conducted these interrogations for people who were accused of sabotage?

A I only know and I have heard that they all had to go to Sander--his was a well known name in the camp.

Q What was Sander's position in the camp?

A He was in the rank of an SS Tech sergeant, and was in the service of the Gestapo or the SD, service, security service.

Q And what was Bischoff's rank and duties?

A I have never seen Bischoff and I don't know him; I only know him according to his name.

Q Do you know what his duties were?

A He was supposedly--he was supposed to have been also in the bunker at the office of the Gestapo.

(Drung-cross)

Q Do you know whether he was Sander's superior officer or not?

A According to hearsay he was supposed to have been an officer.

Q Was he Sander's superior, do you know?

A Yes, if he had the rank of an officer, one would have had to presume so.

Q Do you know a man by the name of Willi Steimel?

A Yes.

Q Do you recall a conversation which you had with Sander at which Steimel was present and in which you were questioned as to whether or not you were a member of the resistance movement?

A Yes, I remember a conversation with Steimel and Sander, but if such a question was put to me, I don't know. If Sander would have known that in any way I would know anything about these occurrences, he would have had me locked up immediately.

Q Do you recall having a conversation with Steimel after you had talked with Sander in which Steimel asked you whether you were a member of the resistance movement?

PROSECUTION: I assume this is all for the purpose of discrediting the witness, and I don't understand how it could be used for that purpose or any other purpose.

PRESIDENT: The objection is overruled.

THE WITNESS: I cannot remember a conversation in this connection, and even if such a conversation had taken place, I would have never told Steimel because I never knew and don't even know it today what Steimel's goal or direction was.

QUESTIONS BY DEFENSE COUNSEL:

Q You know, do you not, that Steimel is a prisoner in Camp Dachau?

A Yes.

(Drung-Cross)

Q And you were very friendly with him were you not at camp?

A That is exaggerated. One had to be very friendly and very careful with these people, experience in camp has taught that. When the action was started Steimel together with the capo from the dispensary were outwardly the very best of friends, but suddenly the capo had to take poison because the matter came up about this resistance movement. Steimel immediately became friendly with the successor of this capo, Fritz Frull. A certain Hans Schneider also came into the bunker very quickly.

PROSECUTION: I ask that it all be stricken from the record, if it please the court. Steimel is not an accused; his name was not even mentioned by the witness on direct examination. I ask that it all be stricken from the record.

PRESIDENT: The last question and the answer of the witness will be stricken from the record.

THE WITNESS: Steimel visited very much with people who later on--

PRESIDENT: Did you ask a question?

DEFENSE COUNSEL: No.

PRESIDENT: The witness will not go any further with his answer.

QUESTIONS BY DEFENSE COUNSEL:

Q You have stated that it was experience in the concentration camp that taught that it wasn't very wise for prisoners to entrust secrets to one another, is that right?

A That is correct.

Q However, you have testified, have you not, that although Walentin went around plainly dressed as a civilian, and clearly not one of the prisoners himself, many prisoners entrusted their secrets to him, did you not?

A I will not state definitely that they entrusted him with their secrets because I was never present at these conversations.

PRESIDENT: The court will recess for 15 minutes.

(Thereupon the court recessed at 1445 hours.)

* * * *

(Thereupon the court reconvened at 1510 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all the members of the court except Lieutenant Colonel Herte are present, Lieutenant Colonel Herte is absent on official business unconnected with this case. The prosecution and the defense are represented by counsel. All of the accused are present. The reporter and interpreter are present. At the end of the last session the witness Drung was under cross examination.

ROMAN DRUNG, called as a witness by the prosecution, resumed the witness stand, and being reminded that he was still under oath, testified further through an interpreter as follows:

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q Herr Drung, you gave testimony for the court with regard to hangings which took place in Dora and in the tunnel?

A Yes.

Q And you stated to the court that altogether there were approximately 810 men hung of which 88 men were hung in a day on one occasion?

A Approximately 88 I said.

Q How do you happen to remember these figures so closely?

A Because this was a larger action. This was an action of one of the larger mass executions, and in an action of this sort one counts the times that the gallow is occupied quite closely.

Q And what makes you recall the figure of approximately 810 people hung altogether?

A Because I was in connection with the dispensary, and I know these figures officially from there.

Q Were the accused Detmers and Heinrich present at these hangings?

A Detmers, Yes; Heinrich, I can't remember.

Q What part, if any, did Detmers play at these hangings?

PROSECUTION: I would like to raise the issue now, may it please the court, as to how this cross examination is to be conducted. There has been cross examination of this witness on behalf of Detmers and Heinrich already by German counsel. Unless I am seriously mistaken, that is the fact.

DEFENSE COUNSEL: This line of questioning is designed to bring out certain facts as to the general subject of hangings, and these accused's names are mentioned as only incidental thereto.

PRESIDENT: The defense will proceed.

THE WITNESS: None whatsoever.

DEFENSE COUNSEL: What was that in answer to? Will the reporter please read the question?

(Thereupon the reporter read the last question, "What part, if any, did Detmers play at these hangings?")

THE WITNESS: None whatsoever.

(Drum-Cross)

PROSECUTION: I would like to raise the issue now, may it please the court, as to how this cross examination is to be conducted. There has been cross examination of this witness on behalf of Detmers and Heinrich already by German counsel. Unless I am seriously mistaken, that is the fact.

DEFENSE COUNSEL: This line of questioning is designed to bring out certain facts as to the general subject of hangings, and these accused's names are mentioned as only incidental thereto.

PRESIDENT: The defense will proceed.

THE WITNESS: None whatsoever.

DEFENSE COUNSEL: What was that in answer to? Will the reporter please read the question?

(Thereupon the reporter read the last question, "What part, if any, did Detmers play at these hangings?")

THE WITNESS: None whatsoever.

(Dyung-Cross)

Q Now you stated that there were no trials held, as far as you know, of these people who were hanged?

A Yes.

Q Now was their guilt or innocence determined?

A If they were guilty or not guilty?I only know as a member of the illegal movements that Russians were hanged who had nothing whatsoever to do with this matter.

Q Now you have testified that the rule was in the camp that any beatings or punishments of prisoners had to be approved by the SS Reich Security Main Office in Berlin, which testimony appears on page 643 of the record; is that correct?

A Yes, that is correct. That is what I said and with that I meant the official beatings which took place.

Q Isn't it a fact then, that death sentences which were the most extreme type of punishment that could be handed to these prisoners, also had to be approved by this SS Reich Security Main Office in Berlin?

A In the beginning, perhaps, but later on, as far as I have heard, the gestapo office in Dora was the only one who could approve hangings.

PROSECUTION: I pray the court's judgment on that interpretation, as I understood him to say"later on the gestapo office in Dora had the right to approve hangings . Not "the only one".

INTERPRETER: That the gestapo toward the end in Dora itself had the right to decide the death or not death of the prisoners.

Q But before the gestapo office was functioning in Dora these death sentences had to be approved by the SS Reich Security Office in Berlin, did they not?

A That I do not know if Detmers had the authority to do this alone or if the Reich Security Main Office in Berlin had to approve . Who had the authority to approve this.

Q Now on page 433 of the record, yourtestimony was that you said

that the hangings were performed on orders of Himmler and, later on, on orders of Bischoff; is that right?

A With that I meant that some office of the SS, if it were Himmler or Bischoff who was the authority for this, that they, in the final analysis, could give the approval for this.

Q As far as you know, could any of the accused in this dock issue orders in the name of, or for, Himmler or for Bischoff?

A I don't know.

Q Now you stated that at the hangings,when you described the hangings, that the sentence was read to the accused prior to his being hung?

A Yes.

Q Yet you have said that, to your knowledge, no trials were ever held. If there was no trial, as you say, then what was this sentence that was read to the accused?

A I personally once had to interpret such a so-called sentence to the Russians. That read approximately as follows: Such and such prisoners--then the names followed--due to sabotage on German army material, are sentenced to death, to be hanged." A signature, or any kind of a signature on the bottom of this I do not know. At any rate, I didn't interpret anything of that nature.

Q Herr Drung, I would like you to reconcile to the court two statements that you have made on direct examination. On page 432 of the record you have made the statement: "We seldom knew why prisoners were hung". On page 426 of the record you made the statement that 120 out of 310 hangings were for sabotage. If you seldom knew why prisoners were hung, how could you arrive at such an exact figure as 120 for the specific reason of sabotage?

A In reply to the question of the prosecutor, I was not able to answer exactly how many due to sabotage and how many for an illegal or a secret movement, but only approximately. The fact is such that toward

the end, during the last few weeks before the evacuation, no sentence was read at all but the prisoners were simply hung.

Q Now what do you mean by this secret organization?

A Well, it was said about the secret movement that there was a resistence movement, that they were supposed to have a secret intent to attempt a mass escape and that they were supposed to have tried to escape, and that was the reason why they were hung for sabotage.

Q Now do you have knowledge, Herr Drung, of the so-called Russian plot which presumably was to have been a large scale liberation within the camp and a sabotage and escape attempt?

PROSECUTION: I am going to object, may it please the court. I don't see how it is material; it is more and more talk about this underground movement that has been asked about so often. There has been no evidence about a Russian plot, that is something new in the case. I object to the question.

DEFENSE COUNSEL: I will be happy to explain my theory for the prosecution.

PROSECUTION: I don't want any of your secrets, I am objecting to the question because it is immaterial.

DEFENSE COUNSEL: If the court please, there has been evidence by the present witness of mass hangings. Now the defense has a right to investigate as to what the reasons for these hangings were, and that is what we are trying to get at.

PRESIDENT: Objection sustained, the witness will not answer the question.

Q You testified that the accused Kilian, participated in one or more mass hangings; is that correct?

A Yes.

Q You also said that practically all of the people that Kilian hung were still alive until they were shot by Moesers; is that correct?

A That is right, but not only through Moeser.

Q Would these prisoners have lived or have died anyway, if no mercy shots were given?

PROSECUTION: I pray the court's judgment. That is purely a speculative question.

PRESIDENT: Objection sustained.

Q Were these prisoners alive at the time that they received these mercy shots?

A If one can call this alive, at any rate they were still moving.

Q Did these prisoners receive mercy shots while they were still hanging, or after they were let down?

A After they were lying on the ground.

Q And is that true both for the hangings that took place in Dora and those which took place in the tunnel?

A Yes.

Q Was Kilian armed in any way? Did he carry a rifle or a pistol at these hangings?

A I didn't see it.

Q Were there other people present who were armed?

A Outside of the SS, nobody.

Q Were there other members of the SS who were armed?

A What do you mean, "other members"?

Q Were the other members of the SS armed?

A Yes. Well, I presume that the service regulation read that every SS man was to be armed.

Q You testified, did you not, that these prisoners were allowed to hang for ten minutes before they were let down?

A Approximately ten minutes.

Q Yet it is your contention, is it not, that in spite of the fact that these people had hung for ten minutes by the neck, they were still

alive when they were given these mercy shots, which you have testified was after they were let down.

A When they were freed of the rope the bodies started to move.

Q While they were hanging they could not breathe, could they?

A I didn't understand.

(The question was repeated by the interpreter.)

A I didn't hang there myself, I don't know if they could breathe or not.

Q You have testified about these hangings in great detail, certainly you can remember whether these people were breating or whether they were not breathing while they were hanging there.

A Well, as an outsider, what can I determine, if they are able to breathe.

Q But as an outsider one can determine whether they are alive or not when they are lying down; is that right?

A If they were still alive; but, in any case, they moved. The bodies of these persons who were to be executed moved, and that is why they were given the mercy shot.

Q Was there not a doctor present at these executions to determine when the prisoners were to be cut down?

A One single time, as far as I could say, Dr. Kahr was present.

Q Isn't it a fact, Herr Drung, that a person who has been hanged will continue to move due to reflex action, even after he is dead?

A I also saw those prisoners who were hanged on individual gallows and strange as it seems, they were quiet when they were taken down.

Q These prisoners who were hung on individual gallows were allowed to drop a considerable distance so that their necks broke; isn't that right?

A Yes.

Q Whereas these other cases about which we were speaking, died by strangulation; isn't that right?

A I presume so.

Q Now you have stated that Killian as a hangman received special privileges and special food, etc., did you not?

A That he received special food I do not say. I said that he smelled from whiskey.

Q You did say, though, that he received special privileges did you not.

A Perhaps he once received cigarettes. He always had plenty of these.

Q You, as block eldest received special privileges did you not?

A I wouldn't know of what manner these would be.

Q Were you treated exactly the same as all the rest of the prisoners?

A I wouldn't know what the difference would be between a block eldest and another prisoner, but simply the fact that he didn't have to go to work because he had enough to do on the block and that he was dressed more cleanly. The SS required that.

Q When you were camp eldest you received additional food and clothing did you not?

A It was my privilege to get additional food from the prisoners kitchen, but I never took advantage of this, and only possessed one suit and one pair of shoes.

Q You were permitted to go about the camp quite freely were you not?

A I had to go around the camp to look to the order of things.

Q You were permitted a great deal more personal freedom than the ordinary prisoner were you not?

PROSECUTION: May it please the court, I object on two grounds. One: This has been gone over at least once or twice if my memory serves me correctly and I object on the ground that it is immaterial and irrelevant.

PRESIDENT: The objection is sustained.

(Trung-cross)

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Q Which of these accused, Herr Drung, was present at the hangings which took place in the tunnels?

A Aside from Kilian I can't remember any other.

Q Isn't it a fact that both Kilian and Zwiener performed these hangings under threats and under duress from the SS.

A I wouldn't know of any threat or any duress that was practiced upon these two because it was the privilege of every other prisoner to refuse to do so which some of them did.

Q You know of the case of Szymonk do you not when he refused to perform a hanging?

A Yes.

Q And wasn't he punished for that refusal?

A He was not punished but he was only relieved of his duty as camp eldest.

Q Isn't it a fact that he was locked up in the bunker?

A He only went to the bunker due to the resistance movement a half year or something later.

Q Now you testified yesterday that when Szymonk refused to perform this hanging a certain prisoner by the name of Schroer volunteered in his place do you recall that?

A Yes.

Q The witness Ackermann who testified here just before you did stated that on this same occasion the accused Zwiener was the one who volunteered to perform this hanging. Now which one of you is correct, you or Ackermann?

PROSECUTION: I pray the court's judgement. No witness can be required to characterize the testimony of another witness. It is a function of the court to decide who is telling the court the truth.

DEFENSE COUNSEL: That is not the purpose of this question, if

(Drung-cross)

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it please the court. It is proper in impeachment evidence to confront a witness with statements made by another person and to ask him to reconcile those statements thereby testing the credibility of both witnesses.

PRESIDENT: The objection is overruled. The witness will answer the question.

A During this affair, this hanging with Szymonk the prisoner Schroer volunteered because he had a personal matter to settle with one of the persons that were to be executed and that he did. If Zwiener at the same time together with Schroer hanged these two people I do not know, because at that time I was in the tunnel.

Q Now Herr Drung, on Page 447 of the record your testimony is to the effect that you could not add any further participation by Buchring in any of these hanging other than the fact that he had kicked the prisoners as he led them from the bunker to the gallows. However, by page 451 of the record you suddenly remembered he also gave mercy shots. Now on which of these occasions were you telling the truth?

A At both.

Q You mean that you could not add any further participation at one time but at another time he also gave mercy shots, is that right?

A For the understanding of the Major I would like to say the following: I would like to say that if I sit for another three days here on the witness stand that I am certain that a lot more things will come back to my memory which I did not recollect at the time the question was put to me by the prosecutor.

Q I am certain of that too Herr Drung.

DEFENSE COUNSEL: Does the court care to recess at this time?

PRESIDENT: No, not yet.

QUESTIONS BY DEFENSE COUNSEL:

Q You also made the statement Herr Drung that prisoners stated to you

that many would not have been hanged except for Buehring? What do you mean by that statement?

A I meant the following: I hid various Russians whom I knew very well and Buehring had a very special nose for finding these prisoners and I would like to say that if Buehring had not been in connection with the capo of the camp protection, Saunders would not have been able to hang many a prisoner.

Q With regard to the accused Braunz, Herr Drung, you testified that he was in charge of the Detail Gardelegen-Rottleberode.

A Yes, that is correct.

Q Do you know where Gardelegen is?

A Not exactly. I was never there. The detail was called in the camp by us Detail Rottleberode. Why Gardelegen was added, if it was due to a town that was in the vicinity or due to the Post Office, I don't know. Just exactly as Dora was called Nordhausen even though we didn't have anything to do with Nordhausen in the beginning.

Q You, yourself were not on the transport that went to Gardelegen were you?

A No.

Q With regard to the accused Brinkmann you testified that on certain occasions he made the prisoners perform sports?

A Yes.

Q You, yourself never performed these sports did you?

A Yes. Even with the convalescent slip of the doctor I had to perform this sport.

Q Isn't it a fact that these sports were performed sometimes on Sunday as a friendly competition between the red prisoners and the green prisoners?

A I would like to tell the Major that he can't visualize a picture of the sport or otherwise he wouldn't have put this question. Perhaps I am permitted to describe it once again?

(Drung-cross)

pl4-22-8

Q I believe you have described it sufficiently Herr Drung. Answer my question please, whether there was such a competition on Sundays between the red and green prisoners?

A That is not true. This was a penal sport. It didn't have anything to do with sport.

Q Is it not a fact Herr Drung that the accused Hoeser on many occasions told you that he disapproved of the punishments which the sspod administered to the prisoners?

A I can't remember such a conversation. No. That Hoeser personally rarely if ever beat himself and that he was quiet as a camp leader until the matter with the shootings came.

Q Isn't it a fact that he organized two bands for the entertainment of the prisoners in camp?

A If Hoeser organized these, I don't know, but at any rate it is true that they existed there.

Q Isn't it a fact that Hoeser arranged for shows and entertainment for the prisoners in the canteen?

A Yes.

Q Isn't it a fact that Hoeser himself was present there at these performances and circulated freely among the prisoners without any arms or protection of any kind?

A Hoeser was quite often in the canteen during these performances.

Q Isn't it a fact that Hoeser organized a sports program for the prisoners including football matches?

A I saw that football was played there. I personally do not play football so I don't know how it was organized, if the protective custody camp requested this or who did.

Q Isn't it a fact that Hoeser provided a cinema and films for entertainment for the prisoners?

(Drung-cross)

LIEUTENANT JONES: If it please the court, these questions are objectionable for three reasons: The first reason is the way he is phrasing his question--"Isn't it a fact". It is invading the province of the court, any fact is for the court to find. The second reason is that new matter is being brought up. The defense is trying to have its cake and eat it too. If new matter is to be brought before the court it should be done properly. It should not be done so that they can have the right to have leading questions and still bring in new matter. The third reason is that it is not at all germaine to the subject. It is immaterial whether he brought the rocketeers to Peru.

DEFENSE COUNSEL: If it please the court, I don't know whether on such a hot aftern on the defense can stand up under such a barrage of objections by the worthy counsel for the prosecution. However, I would like to say that the treatment of prisoners by Moeser is definitely at issue. The witness has testified as to the poor treatment of prisoners by Moeser. The defense is entitled to bring out the good treatment as well as the bad treatment that the witness has knowledge of. I think that answers the question as to the germainess of the issue. As to the form of the question "Isn't it a fact". I think it is recognized that on cross examination it is proper to ask leading questions.

PRESIDENT: The objection is overruled.

The court will recess for 15 minutes.

(Whereupon at 1600 hours the court recessed.)

(Whereupon at 1615 hours the court reconvened.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all the members of the court are present including Colonel Herta who has resumed his place in the court; that the defense and the prosecution are represented by counsel; all of the accused are present, the interpreter and reporter are present and the witness Drung at the end of the last session was on the stand undergoing cro: (Drung-cross)

examination.

PRESIDENT: The witness is reminded that he is still under oath.

ROMAN DRUNG, called as a witness by the defense, being duly reminded that he was still under oath, resumed the stand, and testified further through an interpreter as follows:

CROSS EXAMINATION, continued.

QUESTIONS BY DEFENSE COUNSEL:

Q Herr Drung, do you know of your own knowledge or from having heard of it, the existence of a secret court which the prisoners themselves ran called the "Femegericht"?

A PROSECUTION: May it please the court I object to the question on the ground that it is immaterial to the issues and charges. Secondly it introduces new matter which if the defense wants to bring in he should do so by making the witness his own witness and subjecting him to direct examinatio

A PRESIDENT: The objection is sustained. The witness will not answer the question.

Q How Herr Drung, with regard to you testimony about the accused Jacobi. Do you recall you testified that he beat a certain Polish prisoner?

A Yes.

Q You testified that this Polish prisoner died afterwards?

A Yes.

Q How long afterwards did he die?

A I said that he died approximately 8 or 10 or 12 days later. When I came up above to the dispensary he had already died.

Q Do you remember his name?

A No, only his first name.

Q What was that?

A Tadek.

Q Do you know what doctors confirmed his death?

A Yes. The SS Doctor, the camp doctor had to sign every death certificate. I don't know if at that time it was Doctor Kahr or if Doctor

Kurake was there already, but at any rate the death certificate was present.

Q And either Doctor Kahr or Doctor Kurake could certify as to his death, is that right?

A No. That the prisoner doctor did. The prisoner doctor who was there at the time and this was confirmed by the doctor who was in the surgical section.

Q What was the name of the prisoner doctor who saw or could confirm this death?

A I don't know it exactly, but I believe it was Doctor Caspiva because he was the chief physician for the surgical section.

Q This dog you testified that Koenig had which on certain occasions bit prisoners. Was that dog a part of the dog detachment?

A No, that was his personal dog because he continuously went around with him.

Q What kind of a dog was it?

A A German Police dog.

Q Was it on a leash when Koenig went around with him or was it loose?

A He ran around free. He was very well trained.

Q You testified that an American by the name of Johnny told you that Ulbricht beat Jews?

A I did not say that Johnny told me this; I heard this from other prisoners. I merely said that I asked Johnny about the reasons for the death because he was the chief doctor there.

Q Did Johnny confirm what you had heard, that Ulbricht beat Jews?

A Johnny confirmed this to me. Because I wanted to determine the causes of the death I asked him that I could see the death certificates there. Johnny told me that there was very little -- that it wouldn't do very much good to look at the death certificates because the reasons for the death which were entered there were not correct. I read from these death certificates that various prisoners had died during work from heart failure and various other complications, and, strangely enough, the name of the doctor, the name of Johnny, was not entered thereon, but these things were signed with "Dr. Walschein." In my opinion, Walschein was never a doctor.

Q You were not at Rottleberode at any time yourself, were you?

A No.

Q So all that you know about Ulbricht's activities at Rottleberode is hearsay, is that right?

A From hearsay, and I always watched for him in the camp so that I could once and for all give him my opinion about how to treat human beings.

Q When were you born, Herr Drung?

A On the 6th of August 1908.

Q And where?

A In Dresden.

Q Where is your present residence?

A In Helmstadt.

Q What zone is that in?

(DRUNG-Cross)

A British.

Q And what was your civilian occupation?

A I am a graduate farmer.

Q Where did you go to school?

A In Breslau, and Koenigsberg.

Q And you are a university graduate, are you?

A From the agricultural high school.

Q Now, in camp you were first block eldest and then later on you became camp eldest, is that right?

A Yes.

Q How many camp eldests were there at any one time at Dora?

A When I came there there was a certain Georg Thomas.

Q You misunderstood my question. What I want to know is: Was there ever more than one camp eldest at one time?

A There were always two camp eldests. In the beginning when I first became camp eldest I was alone.

Q And what were your duties as camp eldest?

A To inform the prisoners of the regulations and orders of the SS, to see to it that everybody arrived at roll call on time, that there was peace and quiet on the roll call field so that the block eldests wouldn't try any black market activities with the food, for the general peace and quiet of the camp.

Q The position of camp eldest at Dora was a very important one, was it not?

A If it was important, I don't know.

Q You had a great deal of responsibility for all these thousands of prisoners, did you not?

A I did not have to carry the responsibility for the prisoners because the responsibility was carried by the SS.

Q Now, did you have any jurisdiction over the capos in the camp?

A Sorry to say, no.

Q Did you ever receive additional food or cigarettes due to your position as camp eldest?

A I have sometimes received packages from the post office, from ex First Lieutenant Noessler, and also cigarettes, just the same as every other prisoner.

Q You also received from Lieutenant Wennels a leather coat, did you not?

A Yes, because I was sick. I was called out of my bed and was designated as the camp eldest.

PROSECUTION: I am sorry. Didn't the witness say "sick bed"?

A I was sick. I was called out of my bed.

Q Now, when you first came into this court to testify you were asked by the prosecution -- on page 401 of the record -- to point out the accused whom you knew in Dora and at that time you pointed out Dr. Schmidt as one of the people whom you knew in Dora. At a later time you testified that you had never seen Dr. Schmidt at Dora but had seen him for the first time here in Dachau.

A I do not know if I was asked by the prosecutor if I know the accused from Dora or if he asked me if I knew the accused.

Q Now, you do understand the nature of the sanctity of an oath, do you not?

A Yes.

Q Do you understand the penalties for perjury?

A I understand it but I did not perjure myself.

Q Isn't it a fact that the capoes were selected in Dora on the basis of their brutality and their disregard for the prisoners?

A Picked out by whom?

Q By whoever selected them -- the SS, I presume.

A A designation as a capo, in my opinion, could only come from the

labor allocation.

Q My question was whether they were not selected on the basis of their brutality and their disregard for the rights of prisoners?

A There were very many decent capos who didn't do anything to anybody.

Q Now, was the camp eldest selected on the basis of his high moral qualities?

A That I don't know. I was suggested by the prisoners.

Q You never beat any prisoners yourself, did you?

A I have wherever it was necessary, when bread was being stolen or other things, given a slap in the face here and there, but I have never used an instrument to do any beating with.

Q Isn't it a fact that it was your suggestion to use that stick -- to tie that stick in front of the mouth as a gag -- was it not your suggestion to Sander to do that when the men were being hung?

A Whoever says something like this is a infamous liar, because I was known in the camp as that one to whom one could still say "human being."

Q Isn't it a fact that you offered to Sander to pick 40 capos who would assist in the hangings?

A That is also a common lie, because I only spoke to Sander once.

Q Now, on page 476 of the record, you made the statement that Prinkman cursed at the prisoners during the sports in such a way that you could tell that he must have been a member of the underworld. Do you recall that? That in civilian life he must have been a member of the underworld?

A Yes, one had to draw this conclusion from that, because a decent person doesn't know this type of curse words.

Q Now, you yourself in civilian life were a member of the underworld, were you not?

PROSECUTION: I object to the question.

[illegible]: If the court pleases, impeaching evidence.

PROSECUTION: I object to the question. I don't consider it impeaching evidence.

Nobody has a right, may it please the court, under form of impeachment to deliberately insult the witness or go as far as the defense has gone in this case. I ask the court's judgment.

PRESIDENT: The witness is warned that he does not have to make any statement in this court which will incriminate himself or degrade himself. Aside from that, you will answer the question.

DEFENSE COUNSEL: May it please the court, I should like the witness instructed, however, that that does not include his testimony as to past criminal acts, because that does not incriminate him or degrade him.

PRESIDENT: The court has ruled.

Q Were you a criminal prisoner in the concentration camp?

LIEUTENANT JONES: If the court please, prosecution objects to that question. If you are going to try to impeach a witness by prior crimes, first of all, you have to show what crime it was and, second, you have to show that it affects his credibility. Not just any crime, but it has to affect his credibility.

PRESIDENT: The objection of the prosecution to the second question is sustained. The question that was asked the witness and not answered, on which the court ruled -- and then another question was asked -- the first question has not been answered.

Q My first question was: Were you yourself a member of the underworld?

A No, I always worked.

Q What kind of a prisoner were you in the concentration camp?

A I was the wearer of a green triangle, even though I have never stood before a German or any kind of a court. My -- the extract of my punishment record can be obtained at any time. I am a State's employee at the moment, and persons who have been criminals or have a criminal record

would not be given a "tate position. I came into the camp due to economic sabotage, which my camp files will also confirm, and I received a green triangle because the political section told me that due to this economic sabotage I would still have to go before a court for the trial, because I had violated the law. For this reason I was wearing a green triangle.

Q Now, is it not a fact, Herr Drung, that you spent 10 years in a concentration camp and you were an inmate of a concentration camp before the war?

PROSECUTION: I pray the court's judgment. "o was the witness Ackermann.

DEFENSE COUNSEL: Then he should have no objection to answering the question.

PRESIDENT: The objection is overruled. The witness will answer the question.

A I came -- I was sent to a concentration camp in 1935. after the Four Year Plan was published by Goering, and by means of a slip of paper I was ordered to the Gestapo for a questioning; and this questioning extended from the 11th of May 1935 until the 5th, or, rather, the 6th of April 1945. That is German justice. I harvested rye and wheat and gave it to the pigs for food. That was my crime.

Q Now, isn't it a fact, Herr Drung, ----

PROSECUTION: I pray the court's judgment. The witness hasn't finished his answer.

DEFENSE COUNSEL: If the court please, I think if any further explanation as to this particular point is desired by the prosecution, it can be brought out on redirect examination. The defense would like the witness to answer the question instead of giving a dissertation each time. If the court please, all afternoon I have heard nothing but a "Yes, but --" or a "No, but --" answer. I would like some direct answers for a change. I recognize his right to explain any damaging statements he may make about

himself, but it should be done on redirect examination.

PRESIDENT: The objection is overruled. The witness will not add to his answer.

Q Now, isn't it a fact, Herr Drung, that a prisoner who wore a green triangle and who would have been guilty of an economic crime would have had to have the letter "K" in the middle of that triangle? Please answer my question "yes" or "no."

A Only during the war.

Q Did you have the letter "K" on the triangle during the war?

A I was not delivered during the war.

Q Did you wear --- Please answer me -- I ask the court to instruct the witness to answer my question "yes" or "no." During the war did you wear a green triangle with the letter "K"?

A No.

Q Now, isn't it a fact that, before you could be classified as a criminal prisoner in a concentration camp and be forced to wear a green triangle without any other designation, you must have been sentenced three times at least in German courts for six months or more? Isn't it a fact?

LIEUTENANT JONES: If the court please, prosecution objects. The defense is trying to go in the back door when it couldn't get in the front door before. First of all, what we want to settle is that if you are going to impeach a witness you are going to have to confront him with a crime that he has committed before and at the same time show that the commission of this crime affects his ability -- affects his ability to tell the truth. Only those crimes can be used to establish any sort of grounds for challenge.

PRESIDENT: The objection is overruled.

A That I don't know. I know prisoners who were imprisoned for six weeks and were wearing the green triangle. Each one was not politically pleasant.

Q Is it not a fact, Herr Drung, that you were convicted three times

in German courts before you entered concentration camps for thievery and embezzlement?

PROSECUTION: I pray the court's judgment.

A No.

PRESIDENT: He answered the question.

The court will recess until 9 o'clock tomorrow morning.

(Whereupon the court recessed at 1700 hours, 19 August 1947, until 0900 hours, 20 August 1947.)

MILITARY GOVERNMENT COURT

CASE RECORD

Volume 10
Pages 705- 764

CASE NO. 000-50-37

PROSECUTOR Lt. C. A. Norman

*SUMMARY
IN THE INTERMEDIATE MILITARY COURT
GENERAL

DEFENSE COUNSEL Major L. Faulkeda

INTERPRETERS Nelly Singer
Simon Weisenglas

PLACE Dachau, Germany

REPORTERS Gloria M. Spears
Peter L. Di Curtis
Eunice L. Hasdorff
Mabel D. Hale

DATE 20 August 1947

WITNESSES

ROMAN TRUNG

DR. JAN CESPIVA

ACCUSED ARTHUR KURT ANDRAE, et al

ADDRESS SEX AGE

	FIRST CHARGE	SECOND CHARGE
PLEAS		
FINDINGS		
PREVIOUS CONVICTIONS		

IMPRISONMENT (TERM
(
(BEGINNING 194

SENTENCE

FINE AMOUNT
TO BE PAID BEFORE 194
FURTHER TERM OF IMPRISONMENT

CHARGE SHEET AND RECORD OF TESTIMONY ARE ANNEXED HERETO.

SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY

SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

R E C O R D O F T E S T I M O N Y

in trial of

THE UNITED STATES versus ARTHUR KURT AMBRAS ET AL

by

GENERAL MILITARY GOVERNMENT COURT

tried at

DACHAU, GERMANY BEGINNING 7 AUGUST 1947

20 August 1947 Pages 706 - 764

T E S T I M O N Y

WITNESS	Direct	Cross	Redirect	Recross	Court
M MAN IRUMU		706	710		715
DR. JAN CZEPIVA	718				

E X H I B I T S

No.	DESCRIPTION	MARKED	REC'D IN EVIDENCE
P-31	Sketch of Bunker at Dera	724	725
P-32	Death Book (Copy)	738	753
P-33	Death Book (Copy)	738	753
P-34	Death Book (Copy)	738	753

(Whereupon the court reconvened at 1615 hours, 23 August 1947.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all the members of the court are present; the prosecution and the defense are represented by counsel; all of the accused are present; the reporter and interpreter are present. At the end of the last session the witness Drum was still under cross examination.

HERR DRUM, called as a witness by the prosecution, resumed the witness stand, and being reminded that he was still under oath, testified further through an interpreter as follows:

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q Herr Drum, were you an undercover agent for Sergeant Sander?

A I only spoke to Sander once.

Q Do you recall a conversation which you together with the accused Buehring and Sander had in which you volunteered to act as an agent and in which Sander replied that he would accept from you services, but you would only report important cases to him and report all others to the roll call leader?

A That is a common lie.

Q When you were block eldest, when you were camp eldest, at another occasion did you have two Russian servants assigned to you?

A I didn't have any Russian servants, but as block eldest I had room service. Those were Russians and Czechs.

Q Do you recall an occasion, Herr Drum, when you reported a Negro to the Gestapo and you were authorized to administer 25 beatings to him?

PROSECUTION: I object, may it please the court, as this line of inquiry is certainly not the type of evidence to attack credibility.

DEFENSE COUNSEL: If it please the court, the defense would like to be heard on that objection. One of the proper methods of attacking the

credibility of a witness is to attack two things, number (1), his bias, prejudice, or interest against the accused; and number (2), his bad reputation and character.

THE COURT: You don't show bad general reputation and character by asking the witness questions of that kind because there are certain established ways of proving bad character, and certainly this type of questions is not warranted.

PRESIDENT: The objection is sustained.

DEFENSE COUNSEL: If it please the court, since I intend to continue my line of questioning along the lines tending to show specific individual acts which would tend to degrade or disgrace this witness, I would like to quote the authority for this type of questioning. I am quoting now from Wharton's Criminal Evidence, Section 1371. This section is called, "Particular acts or personal knowledge", and it is under the general topic, "Impeachment", evidence for impeaching witnesses. At page 2207 it says,

> "It is held, however, that a witness may be impeached by inquiries made of him as to collateral facts tending to incriminate, disgrace, or degrade him, and that his own testimony given on cross-examination as to specific instances of immorality is competent to test his credibility."

And as the authority for that, they cite two cases, "Clark v. State, 172 Ark. 23, 287 S. W. 76b; State v. Clevenger, 27 N. M. 465, 202 P. 287." In connection with the general type of questioning, if it please the court, I should like to read from Wharton's Criminal Evidence, Section 1264, under the title, "Latitude allowed on cross examination":

> "Opportunity should be allowed for a thorough and sifting cross examination which should be neither unduly restricted nor abridged. The denial of a fair latitude in cross-examination is a denial of a substantial right and a withdrawal of one of the safeguards essential to a fair trial. It is therefore, generally held that a wide range of cross examination is permissible and that wide or great latitude is allowed, especially in capital cases. The court should never intercede except where there is a manifest abuse of that right, but should extend rather than restrict the right of cross-examination as to facts in issue or relevant to the issue.

(Brun-Cross)

"In some cases the rule is stated with less latitude. It is said that at least a reasonable cross-examination is permissible. Indeed, the right of reasonable cross-examination by leading questions is absolute. The denial of it is the denial of a valuable right, and, if prejudicial, constitutes reversible error. . . Moreover, more latitude is allowed in the cross examination than in the direct examination, and were doubts as to the propriety of the extent of cross-examination are to be resolved in favor of the cross-examiner."

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(Direct-cross)

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PROSECUTION: Do we have to translate this to the witness?

DEFENSE COUNSEL: I will waive translation to the accused. I am sure they are not interested.

PROSECUTION: The law school I went to, may it please the court, never heard of that book. But I have got here Winthrop's Military Law and Precedents, which, so far as the army is concerned is the binding precedent. It says in here on Page 589, "The examination must be confined to his general reputation, and not be permitted as to particular facts--For according to the weight of authority in this country--is it admissible to inquire, either as to the moral character of the witness generally, or as to particular immoral or criminal acts on his part." Then it states a lot of cases. "Thus it has been held that it cannot be asked, for the purpose of impeaching a female witness, whether she was not a prostitute. So evidence that he was a deserter from the army has been held not to be admissible to impeach the character for veracity of a witness in a criminal court", etc. That is the whole issue. Impeaching him for veracity not to show the man himself may be a potential criminal.

DEFENSE COUNSEL: May it please the court, a witness who has testified to the extent that this witness has to general conditions in this camp as to specific acts committed by these accused should be subjected to very close scrutiny as to the amount of credibility which the court can place in his statements. Now in the war crimes trials the courts have adopted very liberal views of the rules of evidence. I believe that both the prosecution and the defense are totally in accord that wherever the object is to arrive at the truth that these waiving of the ordinary rules is a good thing. However, it would seem that it should work both ways and it is extremely important in the estimation of the defense that the court be apprised of the general character, reputation and nature of the man who ha

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given this damaging evidence against the accused. I believe, that in view of that, that any doubt or any division of authority on the admissibility of such evidence should be resolved in favor of the accused in this case.

PROSECUTION: I would like to make one more observation with the court's permission. I believe that evidence as to general character can be admitted, but I saw that this goes far beyond that. I would also like to go on the record as saying that I would like to have this issue met now, not for the sake of this witness who can take care of himself, but because it is going to come up again with subsequent witnesses.

DEFENSE COUNSEL: I naturally, if it please the court, understand the solicitousness of my colleague on the prosecution to try to defend this type of witness which he is going to try to bring into court---

PROSECUTION: I would like to interrupt. I object to this observation. I think it goes far beyond the line of proper comment in court.

DEFENSE COUNSEL: Not in the least, for the reason that I believe this court is entitled to know and properly assay the type of evidence which is going to be presented to it. In order to do that it must know the type of witness from whom this testimony is coming.

PROSECUTION: I have nothing more. I ask the court's judgement.

PRESIDENT: The court has ruled on the objection which was before it. As has been stated several times before by the court it does not care to make rulings in anticipation of what may come up. The defense will proceed.

QUESTIONS BY DEFENSE COUNSEL:

Q Herr Drung, do you recall an occasion when you were together with Sander and Buchring and in which you requested of Sander that in the future all meetings with him should be conducted in secret? That is, just to have you present because you feared to be betrayed?

A These are all lies which have probably been brought here by the accused.

Q From what camp did you come to here Herr Drung?

A From Sachsenhausen over Buchenwald.

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A These are all lies which have probably been brought here by the accused.

Q From what camp did you come to here Herr Drung?

A From Sachsenhausen over Buchenwald.

Q Before that at any time were you in Oranienberg?

A Well Sachsenhausen, Oranienberg, Sachsenhausen.

Q That is the same camp is that the idea?

A Yes.

Q Isn't it a fact that you were sent to Oranienberg to a punishment company as punishment for stealing packages?

A No, that is no fact, but I would like to put a question to the counsel.

Q You will answer questions please, not ask them.

Were you in a punishment company in Oranienberg or were you not?

A No.

REDIRECT CROSS EXAMINATION: I have no further questions.

REDIRECT EXAMINATION

QUESTIONS BY THE PRESIDENT:

Q Yesterday, Herr Trunz, there was a great deal of talk about a mysterious "K" that appeared on the triangle. What is this "K"? What does it mean?

A This "K" is the designation of a war criminal. That means that if during the war they were imprisoned for a crime which they had committed against the war machine or economics.

Q So that having been imprisoned before the war--I withdraw that. That is a leading question.

Now you said that the explosions were detonated by civilians in the tunnels. Who did the drilling for the explosions?

A Italians.

Q Were these prisoners or were they free labor?

A The prisoners of war--Italians--who were in the camp with us.

Q What was the nationality of these women in the Bordello?

(Trunz-redirect)

A One Russian who was the wife of a Russian officer, two Poles, one Dutch woman and Germans.

Q By what procedure did these women come to this place?

DEFENSE COUNSEL: I object to that question on the ground that it is incompetent, irrelevant and immaterial to the issues in this case.

PRESIDENT: The objection is overruled.

THE WITNESS: As I was told by the wife of the Russian officer--I personally speak Russian--she was taken into custody by the Germans in Charkof, was dragged to Auschwitz and there forced to enter a brothel and the itself was the way it was perhaps with the others.

DEFENSE COUNSEL: If it please the court, I will ask that that last part be stricken as it is surmising on the part of the witness.

PRESIDENT: The last part of the witnesses answer will be stricken.

QUESTIONS BY THE PROSECUTION:

Q Now you talked under cross examination about these coupons that were paid to prisoners by the various companies in the tunnels.

A Yes.

Q Were these coupons money or were they just some form of certificate

DEFENSE COUNSEL: If it please the court, I object to that on the ground that it is leading and suggestive and putting words in the mouth of the witness.

PROSECUTION: I withdraw it.

Q Describe the language on the coupon that you say was given as pay

A That was a paper certificate. It varied in size according to the value. "K. L. Mittelbau" was written on it and then the value; one mark, five marks, or 10 marks. SS Main Canteen Administration.

Q Now what could you buy with these things?

A We could buy salt in our canteen. Later on they had a so-called

(Trump-redirect)

pld-96-5

beer and now and then there was also a spoiled salad of turnips, etc. That was all.

Q Herr Krumg, in reply to questions you said something about improvements in the conditions in the camp due to the fact that you were living outside in the air. Do you remember that?

A Yes.

Q However, you said that improvement did not apply to food, clothing and sleeping. Do you remember that?

A Yes.

Q What change took place in the temp of the work?

DEFENSE COUNSEL: I object to that on the ground that it is leading and suggestive.

PROSECUTION: I pray the court's judgement.

PRESIDENT: The objection is overruled.

THE WITNESS: None whatsoever.

Q Now in talking about this so-called underground movement you said that certain groups were informed only of certain things. Will you tell the court why these groups weren't told the story in its entirety?

A Because it was wiser in the camp not to tell every person everything that one knows. There were also traitors among us.

Q You were examined at length about Valenta and asked to explain how anybody would tell him anything in view of the fact that Valenta was walking around in civilian clothes without markings on or anything else.

A It was known that Valenta was a prisoner.

Q What was the intellectual level of all the prisoners in this camp?

DEFENSE COUNSEL: I object, if it please the court, on the ground that it calls for a conclusion on the part of the witness. The witness has not been qualified as a psychologist and has no way of knowing the intellect

(Krumg-redirect)

pld-98-5

beer and now and then there was also a spoiled salad of turnips, etc. That was all.

Q Herr Trung, in reply to questions you said something about improvements in the conditions in the camp due to the fact that you were living outside in the air. Do you remember that?

A Yes.

Q However, you said that improvement did not apply to food, clothing and sleeping. Do you remember that?

A Yes.

Q What change took place in the temp of the work?

DEFENSE COUNSEL: I object to that on the ground that it is leading and suggestive.

PROSECUTION: I pray the court's judgement.

PRESIDENT: The objection is overruled.

THE WITNESS: None whatsoever.

Q Now in talking about this so-called underground movement you said that certain groups were informed only of certain things. Will you tell the court why these groups weren't told the story in its entirety?

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A It was known that Valenta was a prisoner.

Q What was the intellectual level of all the prisoners in this camp?

DEFENSE COUNSEL: I object, if it please the court, on the ground that it calls for a conclusion on the part of the witness. The witness has not been qualified as a psychologist and has no way of knowing the intellect

(Trung-redirect)

pld-95-6

level of anyone unless he conducted a psychological examination of everyone.

PROSECUTION: I withdraw that question.

QUESTIONS BY THE PROSECUTION:

Q Now these room servants that you talked about, what were the duties of these room servants?

A The room servants had to call for food from the kitchen, had to distribute food, had to take care of the cleanliness of the look, to keep the sleeping quarters in order and that would be about all.

Q One other questions

If there were any occasions or reasons why a prisoner, after receiving his food would give part of it away to someone else will you please tell the court to whom he would give it and why he would give it?

DEFENSE COUNSEL: I object to that, if it please the court, on the ground that it is a leading question and I would like to site as authority for my objection Sections on leading questions, Section 1238, which says, "The test of a leading question is whether it suggests the answer thereto by putting into the mind of the witness the words or thought of such answer." Furthermore Wharton says, "Generally, leading questions, those questions which suggest to the witness further facts about which to testify, are not permissible on the direct examination of a witness in a criminal prosecution."

I submit to the court that that question fails to pass both tests. It does suggest to the witness further facts about which to testify, and it certainly contains the grain of thought as to what the witness is to testify to.

PROSECUTION: I submit I sought out that question very carefully and it calls for an answer which is in no wise suggested by the language of the question itself. "If it happened tell the court under what circumstances and who was involved". That is my question.

DEFENSE COUNSEL: You are merely putting the question in the form

of surmise. This possibility does not prevent it, nevertheless, from putting the thought in the mind of the witness, if it please the court.

PRESIDENT: Will the reporter read the last question?

(Thereupon the reporter read the last question as follows:

"Q If there were any occasions or reasons why a prisoner, after receiving his food would give part of it away to some one else will you please tell the court to whom he would give it and why he would give it?")

PRESIDENT: The objection is sustained. The witness will not answer the question.

QUESTIONED BY THE PROSECUTION:

Q What would the prisoners do with the food that they received?

A They would eat it I presume.

Q Were there any other things that some of them might do with their food?

DEFENSE COUNSEL: I object to that if it please the court.

PROSECUTION: If so state what they are?

DEFENSE COUNSEL: I object to that. That puts into the mind of the witness the thought that these prisoners did something else in regard to their food, and it is an attempt to prompt the witness into testimony. The witness has already testified what they did with their food. The prosecution wants to testify to something further.

PROSECUTION: Well that is the truth. I am trying to figure a way to ask him the question.

DEFENSE COUNSEL: Unfortunately it violates the rule on leading questions. "Those questions which suggest to the witness further facts about which to testify, are not permissible on the direct examination of a witness in a criminal prosecution."

PROSECUTION: I submit, may it please the court, that a witness in a criminal investigation can have his recollection refreshed. I have never

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heard a doctrine to the contrary. If it is then the manual on court martial is---

PRESIDENT: The objection is overruled.

Do you wish to have the question read again?

PROSECUTION: I would like it read for myself may it please the court.

(Thereupon the reporter read the last question as follows:

"Q Are there any other things that some of them might do with their food?")

THE WITNESS: At the most I could only think, that is I know it as well, that those prisoners who were in an emergency, that means the heavy work forced them to do so, that they would perhaps give a part of their food to the capos in order to make their work lighter.

PROSECUTION: Nothing further.

DEFENSE COUNSEL: The defense has no further questions.

PROSECUTION: Any questions by the court?

EXAMINATION BY THE COURT

QUESTIONS BY MEMBERS OF THE COURT:

Q In reference to the women in the brothel other than German nationals. What was their status? Were they prisoners of the then German Reich?

A They were prisoners exactly as we were.

Q Who was the camp commander at that time?

A The first camp leader was SS First Lieutenant Roesler. This was at the time that the brothel came to us. I would like to make a correction here. I was asked for camp commander and not for the camp leader. That was SS Major Baer who came together with Roesler from Auschwitz together with the brothel.

(Trump-court)

Q Who was the adjutant?

A That is difficult to say. I believe that Beer brought his adjutant along at that time.

PRESIDENT: There are no further questions by the court. The witness will be excused.

PROSECUTION: Sir, on behalf of the witness I ask that he be permanently excused. He is the manager of a large farm establishment. He is the paymaster and officer and everything else. He has been here quite a long time. He can be readily recalled if desired.

DEFENSE COUNSEL: If it please the court, I will have to interpose an objection to releasing this witness. We are writing his place of birth to obtain the certified copies of any previous convictions for the purpose of introducing it for impeachment testimony in this case and at that time we would like to confront the witness with records of his convictions. Furthermore, if it develops from that that this witness has committed perjury in this case we intend to stay and prosecute him.

PROSECUTION: Oh yes, yes, yes, yes. We are not afraid of that Major. I think it was an uncalled for statement.

I press my request that he be released to go home to essential work. The German people have to be fed and he is one of the men needed. He can be released to go home. He can't leave Germany. He can always be brought back.

PRESIDENT: The court will announce its decision in this matter after recess.

The court will recess for 20 minutes.

(Thereupon at 1000 hours the court recessed.)

(Thereupon the court reconvened at 1080 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all members of the court are present, prosecution and defense are represented by counsel, all of the accused are present, the reporter and interpreter are present.

There was a motion before the court at the end of the last session.

PRESIDENT: Herr Drung, it appears probably that you will be wanted again at some later period in this trial. Is it possible for you to arrange your affairs so you can come back here at any time on comparatively short notice?

WITNESS ROMAN DRUNG: As soon as I receive a telegram, I can leave immediately.

PRESIDENT: The witness may be excused to return to his own home with the understanding that he will probably be recalled at a later time.

WITNESS ROMAN DRUNG: Yes.

PRESIDENT: The witness will be excused.

PROSECUTION: Prosecution calls as its next witness Dr. Jan Cespiva. This witness requires a Czechoslovakian interpreter. Dr. Frankl has previously been sworn.

Before this witness is sworn, may it please the court, I think it should be shown for the record that certain exhibits were read in German to the accused during the last recess. That being ---

DEFENSE COUNSEL: P-29 and P-28 have been read to the accused; that being the lager book --- Is that right?

PROSECUTION: I don't remember what you called them.

DEFENSE COUNSEL: That being the lager book and the little red memorandum book.

PRESIDENT: That was P-28 and P-29. In that connection, have the Exhibits P-26 and P-25, which were photographs and the certificate of the photographer, been shown to the accused?

DEFENSE COUNSEL: The photographs have all been displayed to the accused.

JAN CESPIVA, called as a witness by the prosecution, being first duly sworn, testified through a Czechoslovakian interpreter as follows:

(Thereupon the proceedings were translated into the German language.)

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q What is your full name?

A Dr. Jan Cespiva.

Q Where do you live?

A In Prague.

Q Please give your complete address.

A Janowsky Street 25, Prague VII.

Q What is your occupation?

A Surgeon and gynecologist.

Q What is your nationality?

A Czechoslovakian.

Q What has been your professional education, training and experience?

A I have five years of elementary school, eight years of gymnasium, at the Karls University of Prague, and I am an assistant at the First Surgical Clinic.

Q When were you admitted to practising medicine?

A In March 1938.

Q Are you practising medicine today and, if so, where?

A I am a specialized doctor. I do nothing else but surgical work and gyrecology at the clinic.

Q What is the name of this clinic?

A The Surgical Clinic of the Karls University in Prague.

Q Is that clinic a part of the university itself or is it a private, separate institution?

A That is a State clinic; a part of the university where students

are trained in surgery.

Q What are your duties and what is your position in this clinic?

A At the moment I am in charge of the Gynecological Hall No. 1 of the clinic and we exchange places in the surgical work.

Q What is your work in the surgical section?

A In the asceptic operation room.

Q Do you do surgery there yourself and, if you do, what kind?

A All surgical work with the exception of brain surgery.

DEFENSE COUNSEL: Trepinations refer to any bone, not necessarily to the skull.

INTERPRETER KELLY SINGER: I am sorry. "With the exception of trepinations."

(Thereupon that part of the last answer was repeated by the witness and by the Czech interpreter.)

INTERPRETER KELLY SINGER: "Trepinations to the brain." I am sorry, he did say "brain surgery." It is brain surgery.

Q How old are you, Doctor?

A 36 years old.

Q Were you ever a prisoner at a concentration camp?

A Yes.

Q When were you first taken prisoner in a concentration camp?

A In January 1943 to Auschwitz. Before that I was for two and one-half years in the penitentiary Waldheim.

Q Where is that?

A That is in the vicinity of Chemnitz, Saxony.

Q By whom and why were you first arrested?

A The first time on the 15th of November 1940 for participating in the resistance movement against the Reich.

Q When did you come to Dora?

A On the 11th of February 1944.

Q Now, will you begin first with your arrival at Dora and tell the court the various places where you were confined until the evacuation, with the dates?

A I was immediately committed for work in the dispensary as a surgeon for accidents.

Q And that was when, did you say, and where?

A From the 11th of February 1944 until the night of the 2nd of November 1944, when I was arrested by the Gestapo office -- Sander, Gasser, Dr. Kahr, Maischein, Goebe, Lorenz.

Q Now, between these two dates in February and November, what were you doing?

A I worked in the hospital in the so-called prisoners' dispensary in the surgical department.

Q In which camp?

A In the base camp Dora.

Q During that period of time did your duties take you to places outside of Dora?

A In the outcamps there were insufficient surgeons, so I often drove with Maischein in the ambulance to determine which of the prisoners were so ill that he would have to be taken to Dora.

Q What camps did you visit?

A I was in Ellrich and Nertzungen.

Q How often were you in Ellrich?

A At least once a month.

Q And how often in Nertzungen?

A All together, three times.

Q How long would you be in Ellrich and Nertzungen when you made these visits?

A At least an hour to one and one-half hours.

Q And where would you spend this time in Ellrich and Nertzungen?

(CRESPI-A-Direct)

A In the dispensary.

Q And what would you do there?

A The surgical patients were waiting, prepared, for me, and I examined them and in the event that an operation was necessary I would send them to Dora in the ambulance; and, if there was not sufficient room in the ambulance to take them all at one time, I would send the ambulance back to get the rest.

Q Now, these patients that you examined in Hartzungen and Ellrich -- who kept the records of these patients?

A Every transport of sick people which left Ellrich or Hartzungen had a transport list along with it. The records of the individual prisoners was kept in their respective camps, either Ellrich or Hartzungen, and the only thing that we had were these transport lists. When a patient was taken into the surgical department in my dispensary we made up a card for this particular patient and the fever chart was sent to the prisoners' orderly room of the prisoners' dispensary.

Q In the course of your visits to Ellrich and Hartzungen, did you have occasion, in the course of your duties, to examine the medical records of these two camps?

A I had an opportunity, but very rarely did so, because the diagnosis which was stated there was very often incorrect; so, for instance, I had a case of entero-colitis, and it was actually peritonitis. It was much more important for me to look at the patients than to look at a piece of paper.

Q Now, during this period from February to November, did your duties ever take you into the tunnel?

A Very often.

(CRSPILA Direct)

Q What would be the occasion for your visits to the tunnels?

A I opened a first aid station for first aid in the tunnel, in Block No. 9, to operate in case of accidents.

Q What type of patients, or rather, what was wrong with these patients that came to your station in the tunnel?

A In the period when I came down into the tunnel, this was in February, 1944, the tunnels were being built at a tremendous tempo, one explosion chased the next explosion, and there had been no precaution taken to protect the people from the stones which were flying around. At that period of time the death rate was the very highest in Dora. Nobody paid any attention to why these people were dying, the only thing was that the labor allocation wanted more people and if there were not sufficient people they would ask for at least a thousand men and they came from Buchenwald.

Q How long did you continue to visit the tunnel?

A The entire period until the second of November 1944 until my imprisonment. In the summer of 1944 we equipped an entire operation theatre for performing operations in the tunnel in the event that the theatre for operations up above would be bombed, and this room down below was bomb proof.

Q Now in November 1944, you were arrested. By whom?

A I wasarrested by the gestapo office of Niedersachswerfen, of which Sander was the chief and from the gestapo of Nordhausen.

Q Where were you at the time you were apprehended?

A I was sleeping in Block 38-A.

Q And by whom were you arrested?

A And from Sander and Koesler, in addition to this Dr. Kahr, was called as the chief of the hospital and the medical orderly Maischein.

Q Were all these people you have just named present at the time

of your arrest?

A Immediately in my room.

Q Where were you taken from your room?

A I was taken to the former bunker in the block leader room to the right of the entrance.

Q And how long did you stay there?

A Approximately three hours.

Q And from there where were you taken?

A To the gestapo in Niedersachswerfen.

Q Who took you there?

A Gerber and two drivers.

Q How long were you in Niedersachswerfen?

A Until nine o'clock of the next morning.

Q And where did you go then?

DEFENSE COUNSEL: If the court please, I am going to object to this questioning on the ground that the entire issue of this witness' arrest is not in issue. It seems to be entirely irrelevant, incompetent and immaterial to the interests of the accused and unless prosecution will tie in this arrest with the accused, I believe it is entirely irrelevant.

WITNESS: May I ask a question?

PRESIDENT: No, not now.

PROSECUTION: I naturally expect, of course, to prove it. I will be very disappointed if I don't.

PRESIDENT: The objection is overruled.

Where did you go from Niedersachswerfen?

A I was taken in the prisoners' car to Nordhausen, to the bunker of the Boelke Kaserne in vicinity of the airfield.

Q How long were you there?

A Until the night of the 10th of January, 1945.

Q Who was in charge of this bunker at the Boelke Kaserne?

A Hasser and Sander.

Q What organization was in charge of the bunker at the Boelke Kaserne?

A The gestapo office, Nordhausen, and the main office of the gestapo of Weimar.

Q Now in February 1945, you left the bunker in the Boelke Kaserne at Nordhausen; where did you go then?

A In January, not February. I was taken with the truck to the bunker of the base camp of Dora.

Q And how long did you stay in the bunker at Dora?

A Until the fourth of April, 1945.

Q Now can you give the court a description of the bunker at Dora? If so, yes or no, please.

A Yes; exactly.

Q Has a sketch of that bunker been prepared by you, or under your direction?

A It was prepared under my supervision, according to my own sketch.

(A document was marked Prosecution exhibit No. 31 for identification.)

PROSECUTION: I ask you to examine this, which has previously been marked Prosecution Exhibit No. 31 for identification only, and tell the court what it is. Tell what it is; don't describe it.

A That is the exact plan of the bunker in Dora.

Q The prosecution now offers as its Exhibit No. 31 a plan of the bunker in Dora, and asks that it be received into evidence and made a part of the record.

DEFENSE: If the court please, unless the prosecution makes a formal offer of proof, that they will in some way tie in the accused in this case with this operation, or the existence of this bunker, I object to it most strenuously on the ground that it is simply a matter of a general outlay of the camp and not relevant to the issue of this case, to the

guilt or innocence of any of these accused.

PROSECUTION: What does the court desire.

PRESIDENT: The objection of the defense is overruled. Prosecution Exhibit No. 31 will be admitted in evidence.

(The document heretofore marked Prosecution Exhibit No. 31 for identification was received in evidence as Prosecution Exhibit No. 31, is attached hereto, and made a part of the record.)

Q Now, Dr. Cespiva, this Prosecution Exhibit No. 31 has a number of notations on it in handwriting. In whose handwriting are these notations?

A Those I wrote myself.

Q Now, during your stay in Dora and your visits to these other camps, you met a number of the SS and other people in those camps, did you not?

A Yes.

Q Will you look around the court room, Dr. Cespiva, and see if there are any persons herein whom you met in Dora or any of the subcamps in Dora. You can move around if necessary to help your identification.

A Yes. It is not necessary that I get up.

Q Well, tell the court if there are any people in the courtroom whom you know.

A The first one is Andrae. The second one is Braun.

PROSECUTION: Inasmuch as the numbers are not shown, will the witness please go up and point directly at the person he names. And one at a time, please.

DEFENSE COUNSEL: As the accused are identified, may they turn their numbers out.

PRESIDENT: They are directed to do so.

A That is Andrae. (Indicating.)

PROSECUTION: Let the record indicate the witness has identified the accused Andrae, we find Placard No. 1.

A That is Drauny. (Indicating.)

PROSECUTION: Let the record indicate that the witness identified the accused Drauny, wearing placard No. 2. Any others?

A Brinkmann. (Indicating.)

PROSECUTION: Let the record indicate that the witness identified the accused Brinkmann, wearing placard No. 3.

A That is Buehring. (Indicating.)

PROSECUTION: Let the record indicate that the witness has identified the accused Buehring, wearing placard No. 4.

A Detmers, adjutant. (Indicating.)

PROSECUTION: Let the record indicate that the witness has identified the accused Detmers, wearing placard No. 5.

A With this one I didn't get in touch.

Q Do you know him?

A No. Heinrich. (Indicating.)

PROSECUTION: Let the record show that the witness has identified the accused Heinrich, wearing placard No. 7.

A That was the man in charge of prisoners' clothing supply room. (Indicating.)

Q Do you know his name?

A Not exactly.

Q What is your memory of what it sounds like?

A Helbig.

PROSECUTION: Let the record indicate that the witness had identified the accused Helbig, wearing placard No. 8.

A That is Jacobi, the man who was in charge of the German Equipment works. (Indicating.)

PROSECUTION: Let the record indicate that the witness has identified the accused Jacobi, wearing placard No. 9.

A Kilian, Josef. (Indicating.)

PROSECUTION: Let the record indicate that the witness has identified the accused Lillian, wearing placard No. 10.

A Zwisner, Willi, camp eldest No. 1. (Indicating.)

PROSECUTION: Let the record indicate that the witness has identified the accused Zwisner, wearing placard No. 19.

A Kalenta, Richard. (Indicating.)

PROSECUTION: Let the record indicate that the witness has identified the accused Kalenta, wearing placard No. 18.

A I can't remember that I ever have seen this man at all. (Indicating.) That is Simon. (Indicating.)

PROSECUTION: Let the record indicate the witness has identified the accused Simon, wearing placard No. 16.

A This man I never saw. (Indicating.) That is the director Bickhey, of Illfeld. (Indicating.)

PROSECUTION: Let the record indicate that the witness has identified the accused Bickhey, wearing placard No. 14.

A That is Woeser, (Indicating.)

PROSECUTION: Will the court instruct Woeser to turn his placard around? Let the record indicate that the witness has identified the accused Woeser, wearing placard No. 13.

A That is Maischein. (Indicating.)

PROSECUTION: Let the record show that the witness has identified the accused Maischein, wearing placard No. 12.

A That is Koenig. (Indicating.)

PROSECUTION: Let the record indicate that the witness has identified the accused Koenig, wearing placard No. 11. Dr. Cespiva, will you come up to this board? I direct your attention to Prosecution Exhibit No. 31. Will you start at the upper left hand corner of Prosecution Exhibit No. 31 and tell the court what these blocks here mean?

A That whole thing is an iron, cement construction of the bunkers in Dora.

[illegible]OUTH: Excuse me a minute. I think if we moved it back a bit, the prisoners might see it. Is that still visible?

[illegible]ST MT: Yes, that is visible.

[illegible] CUTH: If you want your people to have another view of it, that is your responsibility, Major, to shift it around.

Q All right, go ahead, Doctor.

A This part of the border I know very well. (Indicating.)

Q Which part of the border is that?

A That is the left part from the entrance; that part for the prisoners.

Q Which is the entrance to the border?

PROSECUTION: Let the record show the witness is pointing to a heavy blue line on the north side of the exhibit.

A There were steps two o. more were two steps there.

Q Now, take the thirty steps by step and tell the court just what each was.

A In the -- After the entrance of the outer one came into the outer wall, into the outer house.

Q That was the outer house, I mean?

A There were two guards, a soldiers.

Q What does this series of lines here (indicating on exhibit) mean?

A That was the steps to climb down into the cellar.

Q All right, go ahead.

A And also the entrance there were two doors, and those were for the members of the . At the night lived Hexkort and Gustav Grund and the dog Ajax.

Q Those dog was what

(CONTINUED-Direct)

PROSECUTION: Excuse me a minute. I think if we moved it back a bit, the prisoners might see it. Is that still visible?

PRESIDENT: Yes, that is visible.

PROSECUTION: If you want your people to have another view of it, that is your responsibility, Major, to shift it around.

Q All right, go ahead, Doctor.

A This part of the bunker I know very well. (Indicating.)

Q Which part of the bunker is that?

A That is the left part from the entrance; that part for the prisoners.

Q Which is the entrance to the bunker?

PROSECUTION: Let the record show the witness is pointing to a heavy blue line on the north side of the exhibit.

A There were steps there. There were two steps there.

Q Now, take the building step by step and tell the court just what each was.

A In the -- after the entrance of the bunker one came into the outer hall, into the outer house.

Q That was a four outer house, is anything?

A There were two guards, SS soldiers.

Q What does this series of lines here (indicating on exhibit) mean?

A That was the steps leading down into the cellar.

Q All right, go ahead.

A On the right the entrance there were two rooms, and those were for the members of the SS. At the right lived Unterscharfuehrer and Gustav Grand and the dog Ajax.

Q Whose dog was that?

(CONTINUED)

[illegible] Crudis, but I [illegible]

[illegible] that kind of a [illegible] as that?

A [illegible] a waffle and a pork egg.

[illegible] big egg was it.

[illegible] that [illegible].

[illegible] to be continued.

[illegible]

A [illegible] Crudis' argument pro. dollar, and if [illegible] sleep there. [illegible] while the witness is [illegible] back to the [illegible]. [illegible] first room on the left from the entrance [illegible]

[illegible] direction just exactly where on that exhibit no. 10 [illegible] block has on it with writing on identification tags. [illegible], the last refrigerator "in" [illegible] on it.

[illegible] barred door down the corridor, [illegible] the right [illegible] the first -- the last on the right [illegible], immediately after the latrine.

[illegible] section of the building [illegible]

[illegible] and several [illegible]

Q How many, at [illegible] cots in that cell no. 8 with you?

[illegible]

(Mr. Ivan direct)

Q How big is that room?

A It was a large cell. The rock-structured area I would term walls as irregular rock walls, and approximately two and a half meters in length.

Q Do you know how much of a stretch you have?

A Exactly two centimeters.

Q And how many people did you say lived at one time in that Cell-Block 8?

[illegible] to the court please, that is repetitious. I object to [illegible] has a standard how many people lived in that cell.

[illegible] I couldn't believe my own ears. I wanted to be sure.

I withdraw the question.

All right, doctor, what can you tell the court about those other rooms?

A In the cells' here was a wooden bunk for sleeping and a bucket. The central [illegible] which I do think was not functioning.

Q What kind was [illegible]?

A Central heating.

Q Well, you said the heating wasn't working. What other kind did you have?

A There was no other heat there. This was an improvement of the punishment.

Q All right. What about the rest of the building?

A On the other side -- this picture is the same as I have just described, but the rooms [illegible] other side of this bunker had originally been designated [illegible] people who were to be

punished, but there were many people in the camp who were arrested that this man or was sentenced to death but for all of them, so those people who were recorded as already closed were brought into the second half.

Q What do you mean by the "record already closed"?

A That meant that they were going to be hanged by Yiklan the next morning. Nevertheless, in the third cell from the right an SS man was sitting -- two members.

Q Who lived up in block 1 [illegible] (Indicating on chart).

A That was the linen room and Miss Valenta lived there.

Q Now, you've put a red X [illegible] What is the meaning of that.

A Those are the names of those women who were executed any trial or sentence after the [illegible] evacuation and who were in this cell. Together with them there was a Russian civilian who probably was also shot.

MR. [illegible]: If the court please, I would like to make a motion to strike all evidence of killing of German citizens, since the accused here are not charged with any killings of German nationals.

PROSECUTION: That is true, except that it might be a part of the general picture as to what went on there. I am not pressing it. I leave it to the judgment of the court.

PRESIDENT: The motion of the defense is granted.

Q In your testimony to the court, will you please leave out references as to what happened to [illegible]

A In the other cells there were Russians. In cell No. 4, 5, 6 there were Russians. In [illegible] No. 7 there were Czechoslovakians. In No. 9 was [illegible] and 10, Frenchmen; 12, 13, 14, Poles. I am not informed about [illegible] No. 15. In No. [illegible] 16 was the execution cellar, the camp

(Continued)

Interpreter. In the other part [illegible] sitting -- approximately [illegible]. The other cells were occupied with Russians who were approximately half [illegible] the.

Q Is there anything else you can add by way of description?

A In this spot (indicating) was where the gallows was standing, where the [illegible] had been removed out. The blue line (indicating) was the wall, and there (indicating) was the entrance to the bunker -- the large gate and small one.

Q What extent was the building [illegible] surrounded by the wall?

A Between the bunker and the wall it was approximately [illegible] meters and in the back the wire fence was a distance of about 10 meters from the bunker.

Now let me get this thing straightened out. What kind of a fence was this one indicated by the blue line?

A That was a brick wall [illegible] was covered with bits of glass bottles -- with pieces of glass bottles.

PROSECUTION: For the record, let it be stated that the blue line on the prosecution exhibit -- which runs the entire length of the building itself as supposed to represent the brick wall -- goes to the [illegible] and the witness indicates a position north of the building on -- in the place where the wire fence was.

Q, [illegible] far away from the building, from the south -- from the left-hand side -- was the gallows you mentioned?

A Approximately [illegible] meters.

Q [illegible] where I have marked indicate that the witness placed the actual gallows itself as shown [illegible] 10 meters due west

(GESPIVA-Direct)

of the gallows, representation of the gallows, on the exhibit itself.

Q Anything else?

A Nothing special.

PROSECUTION: May I suggest this would be a good place to stop.

PRESIDENT: The court will recess until 1330.

(Thereupon the court recessed at 1300 hours.)

Tk 99-gmo-kurcheuser-8/20/47-1

AFTERNOON SESSION

(Whereupon the court reconvened at 1330 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all the members of the court are present; the prosecution and the defense are represented by counsel; all of the accused are present; the interpreter and reporter are present. The witness Cespiva at the end of the last session was on the witness stand under direct examination.

PRESIDENT: Let the record indicate that Lieutenant Colonel Morte, court member, has read that part of the record which was taken during the time he was absent from the court on the afternoon of 19 August.

DR. JAN CESPIVA, called as a witness by the prosecution, resumed the witness stand, and being reminded that he was still under oath, testified further through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q Now, Dr. Cespiva, there has been testimony before this court from other witnesses about the food supply of the prisoners. I want you to tell the court your observation about the food supply, however, from the point of view of a physician.

A In Gore the food was such that every prisoner received daily 700 to 800 calories.

Q For what period of time was it 700 to 800 calories per day, beginning from when to when?

A That was in the most of Baron until May when the work in the tunnel was the heaviest--1944.

Q What was the caloric content of the diet after that period?

A From May 1944 on the prisoners received a heavy workers' additional ration. That meant that each prisoner received once a week 20 grams of fat and a piece of sausage the size of a small finger.

(Cespiva-direct)

Tk 99-gwe-Horchauser-6/20/47-1

AFTERNOON SESSION

(Whereupon the court reconvened at 1330 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all the members of the court are present; the prosecution and the defense are represented by counsel; all of the accused are present; the interpreter and reporter are present. The witness Ceopiva at the end of the last session was on the witness stand under direct examination.

PRESIDENT: Let the record indicate that Lieutenant Colonel Herto, court member, has read that part of the record which was taken during the time he was absent from the court on the afternoon of 19 August.

Dr. JAN CEOPIVA, called as a witness by the prosecution, resumed the witness stand, and being reminded that he was still under oath, testified further through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q Now, Dr. Ceopiva, there has been testimony before this court from other witnesses about the food supply of the prisoners. I want you to tell the court your observation about the food supply, however, from the point of view of a physician.

A In Dora the food was such that every prisoner received daily 700 to 800 calories.

Q For what period of time was it 700 to 800 calories per day, beginning from when to when?

A That was in the most of Baron until May when the work in the tunnel was the heaviest--1944.

Q What was the caloric content of the diet after that period?

A From May 1944 on the prisoners received a heavy workers' additional ration. That meant that each prisoner received once a week 20 grams of fat and a piece of sausage the size of a small finger.

(Ceopiva-Direct)

Tk 99-; ms-Nordhausen-9/20/47-?

Q What was the caloric content of the daily diet beginning in April 1946--the average daily caloric content?

A Never according to my opinion did the daily caloric content exceed 1,000 calories.

Q That, in your opinion, would be a normal requirement for the prisoners in Dora?

DEFENSE COUNSEL: I object to that question on the grounds that this witness has not been qualified as an expert dietician, although he has been qualified as an expert from the standpoint of general practice, surgery, and gynecology. I don't believe that qualifies him to give his opinion as to minimum caloric diet that would be necessary in any type of work.

PRESIDENT: The objection is overruled.

THE WITNESS: 3,000 calories.

QUESTIONS BY PROSECUTION:

Q Will you tell the court the effect on the prisoners of this caloric deficiency which you observed as a physician?

A The body needs per day from 2,500 to 3,000 calories. If the body does not receive this amount of calories, then the body decreases in muscle strength and including the heart muscle. The main deficiency of the food rations in Dora was the deficiency on albumin. The food consisted mainly of carbohydrates and bread and potatoes--meaning bread and potatoes, and the absolute non-existence of sugar produced a deficiency on glycogen, which is absolutely necessary for heavy muscle work. It is true that from the carbohydrates in the bread and the potatoes sugar is produced, but this change-over into sugar is not quite as simple as the taking of the sugar directly.

Q Doctor, describe the general condition of the prisoners at Dora in so far as it was due to diet causes.

A It is natural that if the prisoners who had to perform such heavy work did not get a sufficient amount of food that the body first of all would

use up its fat content. The prisoners looked like skeletons covered with skin. The muscle substance was decreased, so that on the extremities one could only see swollen joints. It is natural that due to this condition of the body the resistance of the body was greatly weakened, and these weakened bodies were forced to a terrific type of work under the earth in a very bad air. The German industries and the German economics were not interested in the life of those prisoners.

Q Now, Doctor, limit your testimony to a description of the condition of the prisoners.

A Another very important factor in the general conditions was their quarters.

Q Please, let's talk about food. You said that the resistance of the prisoners was lowered due to the insufficient calorie content of their diet.

A Naturally, and if such a prisoner who if so, for instance, would come in contact with tuberculosis, he would much more easily be infected than anybody else. The entire digestive tract was changed through this one-sided food that was received in such a manner that diarrhea often occurred. We systematically examined the excreta of the prisoners for typhoid, paratyphoid, and dysentery, and as the results were negative, the conclusion from this was that the digestive tracts had been changed. As the digestive tract had been changed, it could not take the nourishment, the most important parts of the nourishment, and these parts of the nourishment went out through the excreta without being used up.

Q Now, as a physician, will you tell the Court the effect on the prisoners of the clothing supply?

A In the spring of 1944 there was almost an epidemic of furunculosis.

Q What kind of a disease is that?

DEFENSE COUNSEL: Just a minute please. If it please the court, I don't know what the desires of the court are in this regard. I, for one have no objection to the continuation of this testimony as medical testimony on the effects of the clothing, the food, the working conditions, the air. We have had all this brought out at great length by Doctor Groeneveld. It is purely repetitious and redundant. If the court desires to hear these matters over and over again I presume that we have no objection. I would like to raise the objection at this time.

PROSECUTION: I don't want to be redundant. The Lord knows that it is the one thing I don't want to be. I just can't remember everything that has gone in.

If a line of inquiry should be developed that would come within the comment of Major Poullada and if the court would so indicate I would only be very happy to drop it. I don't remember that there was any description of the actual corporal changes of the prisoners due to this business.

DEFENSE COUNSEL: I have examined the record very carefully over the past few nights and Doctor Groeneveld testified at quite some length on the effects on the prisoners of the poor clothing, the poor air, the poor food and all the other general conditions. Now we could go on in this courtroom interminably discussing the general conditions and never get down to the "brass tacks" of these things, as to what these accused did. The inquiry of this court is addressed to what they had to do with it.

PRESIDENT: The court would prefer that the line of questioning now being followed would not be carried on further.

PROSECUTION: May I also add that if in the future a similar situation should develop I would welcome a gentle suggestion.

QUESTIONS BY THE PROSECUTION:

Q Doctor Cesplva what was the death rate of Ioral?

A In all the camps of Mittelbau there were altogether 15 thousand

and in Lora 7500.

Q At what time are you talking about?

A From the beginning until the evacuation. Toward the end shortly before the evacuation it was not possible to determine all the deaths which occurred from the transport.

Q What I particularly would like would be a comparative statement from you, if you can make it, comparing the average death rate in Lora with the Average death rate in any ordinary sized community, if you know?

DEFENSE COUNSEL: I would like to voice an objection on the ground that that calls for just more than an expert opinion on the part of the witness. It is purely a speculative answer as to some average community. If---

PROSECUTION: I will withdraw it for the time being.

Q How were medical records kept in Lora?

A In the so-called prisoners dispensary there was an orderly room, the prisoners orderly room. Everyone who was taken into the dispensary received a card. Every prisoner who died in the dispensary, this card was taken out and put into the card file of the dead prisoners and an entry was made in the death book. I had these death books copied until the time when the Gestapo came into the camp and I had these copies of the death books with me.

Q What reports were made of death? Whom did they go to and by whom were they sent?

PROSECUTION: Mark these documents for identification.

(Thereupon the documents referred to were marked Prosecutions Exhibits P-33-P-33 and P-34 for identification.)

A With us in the central dispensary a prisoner doctor sent the fever chart to the SS Doctor, Doctor Kahr or later on Doctor Kuraba and Doctor Wurtz. From us a report was made to the prisoner orderly room and there was deducted the entire strength of the prisoners.

(Cespiva-direct)

Q My question was, "hat reports were made over death and the first place how many different kind of reports were made over the death of one man?"

A I don't understand this question. Do you mean how many copies?

Q A man dies and his body is sent to the crematory. Did any kind of a report accompany his body to the crematorium?

DEFENSE COUNSEL: I object to that question. It is leading and putting the testimony in the mouth of the witness.

PROSECUTION: I frankly lead h'm that time.

DEFENSE COUNSEL: I'll say you did.

PRESIDENT: The objection is overruled.

Q Please answer yes or no and then I will ask the next question.

A Yes.

Q What did the report say and by whom was it signed?

A This report contained the first name and he last name of the prisoner, the date of birth, the prisoner's number which was the most important, the day of the death, and the capo would send us a report back stating the date on which the body was burned.

Q By whom was this report signed that went with the body?

A By Doctor Kahr.

Q Would the capo in the crematorium have any way of determining the official cause of his death?

A If it was an internal disease hardly. If it was a surgical disease, for instance a broken leg, then very easily.

Q Did this report which went to the crematory with the body contain any reference to the cause of death?

PROSECUTION: Now that is a leading question, but it will take me all day to get it out of him if I don't lead him a little bit.

(Cospiva-direct)

DEFENSE COUNSEL: It is more than just a leading question, if it please the court. The question has been asked and answered. The witness has testified what this report contained and now the prosecution is trying to put into his head that it contained something in addition and trying to get it out of him.

PRESIDENT: The objection is overruled. The witness will answer the question.

THE WITNESS: That was not necessary.

Q My question was did it or did it not?

A No.

Q Was any report of death sent outside the camp?

DEFENSE COUNSEL: If it please the court I would like to object to this whole inquiry. During this whole line of questioning I have been waiting to see some connection made with the accused in this case. If the prosecution wants to bring out that these accused did something wrong in connection with these death certificates lets get to it--lets get to the facts in this case. Lets get down to the point in this case and ask the witness what they did.

PROSECUTION: I am going to try my case to suit myself and not you Major.

DEFENSE COUNSEL: I think I have a right to object to the roundabout method of questioning and belaboring. The prosecution didn't hesitate to belabor me for my roundabout method of questioning yesterday.

PRESIDENT: Is the prosecution going to connect this with the case?

PROSECUTION: I have in mind, or I make now a offer of proof to show the different ways these reports were made and by whom they were signed will tie up definitely two, at least two of the accused in the dock, by whom these various reports, which will become material, were signed--by Schmidt and Maischein who signed them.

DEFENSE COUNSEL: If it pleases the court—

PROSECUTION: I am going to try to find out of him how it was done.

DEFENSE COUNSEL: I think probably we would be willing to stipulate that they signed death certificates.

PROSECUTION: Will you stipulate that they signed false death certificates.

DEFENSE COUNSEL: We will not. If that is what they are accused of let us get the evidence in.

PRESIDENT: The objection is overruled.

QUESTIONS BY THE PROSECUTION:

Q Let us stop with the question I asked you Doctor Gempiva and let us assume that you, yourself had died in the bunker at Boelke Caserne. What reports would have been made of your death, to whom would those reports have gone and what would have been done with your body and by whom would these reports have been signed.

DEFENSE COUNSEL: I object to that on the ground that it is a multilateral question. It contains four questions in one and I suggest that those questions be asked one at a time.

DEFENSE COUNSEL: Furthermore these questions are speculative.

PROSECUTION: I will break it up.

Q Let us assume that a man died in the bunker at Boelke Caserne. What disposition would have been made of his body?

DEFENSE COUNSEL: I object to that on the ground that this witness has not testified that he knows anything about Boelke Caserne. He testified that he did service in Tore.

PROSECUTION: He testified that he spent three months in the bunker at Boelke caserne Major. He ought to know what happened with the bodies hthere.

DEFENSE COUNSEL: I may be mistaken. I will withdraw my objection if that is his testimony. I didn't recall it.

PROSECUTION: I ask the court's judgement.

DEFENSE COUNSEL: I will withdraw my objection if that is the case.

QUESTIONS BY THE PROSECUTION:

Q Assume a man had died in the bunker at Boelke Caserne during the time when you, yourself were a prisoner there. What disposition would have been made of his body? Just answer the one question I have asked.

A The body would have to be brought to the crematory of Dora.

Q What records if any would accompany that body to the crematory at Dora?

A A double report had to be made out. First to the Gestapo office in Nordhausen to SS First Lieutenant Haeser and secondly to the prisoners orderly room in Dora.

Q By whom would the report be signed which was sent to Gestapo headquarters in Nordhausen?

A That had to be signed by an SS doctor.

Q Now this report which was sent with the body to Dora, by whom was that signed?

A For this it wasn't necessary to have the signature of an SS Doctor. It was sufficient if an SS medical orderly signed it.

Q Now this report which went to Dora with the body, what was that report—was that report kept in the prisoners hospital at Dora or was it sent anywhere else?

A. DEFENSE COUNSEL: I object to that question on the ground that it is leading. The witness could be asked what was done with the report not suggest what was done with it.

PROSECUTION: All right, I will ask him that way.

Q What was done with this medical report which came to Dora with the body?

A The corresponding entries were made in the card files and in the death book, of the dead in the death book.

Q What would happen to the report itself?

A The report went to the SS Doctor.

Q I am not talking about the reports that went to the SS doctor here.

A In Dora.

Q Did both of these reports, the one which went to the SS doctor in Dora and the one which went to the gestapo head in Nordhausen, contain the same information; or not?

DR. AHALNAR: I object to this question because no foundation has been laid that the witness has ever seen one of these reports either the one that went to Nordhausen or the other that went to Dora.

PROSECUTION: I pray the court's judgment. I don't have to conduct a cross examination.

DEFENSE COUNSEL: In that connection, if the court please, perhaps I am still mistaken as to the testimony of this witness but I believe he testified when he was at the Boelke Kaserne he was a prisoner in the bunker of the gestapo.

PROSECUTION: That is right.

DEFENSE COUNSEL: There is no foundation there to show that he had anything to do with death certificates or that he worked in the dispensary or had any knowledge of the death certificates. He was a prisoner.

PRESIDENT: The witness may answer the question, if he knows of his own knowledge. Do you want the question asked again?

PROSECUTION: I will withdraw the question, if the court please and ask him what he knows about it. Now, Dr. Cespiva, did you at any time during the course of your medical duties have occasion to deal with death reports and the system of reporting deaths at Dora and subcamps of Dora?

A Yes, naturally. Yes, I was the chief inmate doctor.

Q Do you know what reports would be made covering the death of a man who died in the bunkers at Boelke Kaserne? Or in any other subcamps of Dora?

A It happened often that somebody was brought in who had been beaten to death.

Doctor, please answer my question. I asked you, are you familiar with the system of reporting the deaths of people which took place in the bunkers in Boelke Kaserne, and the other subcamps of Dora? Yes or no.

A Yes.

Q Now you stated before that if a prisoner died in the bunkers at Boelke Kaserne, two reports would be made out. Is that correct?

A Yes. One for the prisoner's dispensary and the crematory, signed by the SS medical orderly; and, furthermore, every death in the bunker had to be reported to the gestapo office of Nordhausen and this report had to be signed by an SS doctor.

Q All right. Now, so far as the death in the bunker is concerned, the report had to be made to the SS, signed by the SS doctor. That is right, isn't it?

A Yes, every such report had to be signed by an SS doctor, Dr. Fahr, as well as cases of death in the Boelke Kaserne, and in Dora, and in cases like this the SS doctor always had to look at the body.

Q What was my question?

(The question was read by the reporter.)

Q Will the court please ask the witness to listen to my question?

PRESIDENT: The question will be read again to the witness and the witness will answer yes or no.

PROSECUTION: I would like the witness, may it please the court, to be cautioned as a matter of general policy, to listen to the question and answer only the question.

PRESIDENT: The witness will listen to the questions that are put to him and answer the question without additional comment or explanation.

A Yes.

Q The question is this: That a report had to go to the gestapo, signed by the SS doctor that is one report. That is true, isn't it?

A Yes.

A You asked me if there was any difference between the two reports. That is correct.

Q Outside the question of signature, was the information the same or was it different?

A Yes.

Q What were the differences? Or were there no differences?

A Never in the diagnosis. If somebody had been beaten to death never was the cause of death listed as beaten to death.

Q Doctor, I was always told the worst witnesses in the world were lawyers; I am beginning to think they are doctors. You have here a report signed by the SS doctor, which went to gestapo headquarters, in my left hand. In my right hand is the report which went to the crematorium with the body.

DEFENSE COUNSEL: If the court please, is that correct or is there some question in the court's mind whether they are only examples?

PROSECUTION: What I am using is just some examples here.

DEFENSE COUNSEL: Let the record indicate that the prosecution is holding up some examples, and not actual death certificate.

PROSECUTION: I don't mean to be facetious, if the court please, I am merely trying to clear this up. Now the signatures are different; one is signed by the SS doctor and one is signed by the SS helper. What other differences are there between these reports? In the contents of them?

A Different diagnosis.

Q Would the diagnosis which went to the gestapo headquarters be different than the diagnosis which went to the crematorium? Is that what you want to say?

A No. But the diagnosis of the body which I saw was not clearly stated on the death certificate.

PRESIDENT: The court will recess for fifteen minutes.

(Whereupon the court recessed at 1450 hours.)

Jake 101 - Nordhausen
S-2C-dh-3

Q And the report went with the body to Nora, one copy to the Sanitätsdoctor in Nora and one copy to the Krematorium; is that correct?

MR. [illegible]: I object to that on the ground that it has been asked and answered, and it is repetition.

THE COURT: The objection will be overruled.

Q Yes, or no, please.

(The question was read by the reporter.)

A Yes.

Q Now these reports which came to Nora, you say, were signed by the sanitary helper?

MR. [illegible]: I object to that on the ground that it is repetitious and the question has been asked and answered.

THE COURT: Objection overruled.

(The question was repeated by the interpreter.)

Yes, or no.

A Yes.

Q Now you say the differences in signature. What other differences, if any, were there in the contents of these reports?

MR. [illegible]: I object to this question until such a time as a proper foundation has been laid that the witness actually saw these reports, or the report that went to the [illegible] office. Until such time as a foundation for this has been laid he cannot tell the differences between these reports.

THE COURT: The objection is overruled.

Q Now please listen to the question. Outside of the differences in signatures, what other differences, if any, existed between the contents of these reports [illegible]?

A Yes, naturally.

I am sorry, doctor, [illegible] but we just don't understand the question.

(Resume - direct,

A You asked me if there was any difference between the two reports. That is correct.

Q Outside the question of signature, was the information the same or was it different?

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Q What were the differences? Or were there no differences?

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A No. But the diagnosis of the body which I saw was not clearly stated on the death certificate.

PRESIDENT: The court will recess for fifteen minutes.

(Whereupon the court recessed at 1450 hours.)

A You asked me if there was any difference between the two reports. That is correct.

Q Outside the question of signature, was the information the same or was it different?

A Yes.

Q What were the differences? Or were there no differences?

A Never in the diagnosis. If somebody had been beaten to death never was the cause of death listed as beaten to death.

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A No. But the diagnosis of the body which I saw was not clearly stated on the death certificate.

PRESIDENT: The court will recess for fifteen minutes.

(Whereupon the court recessed at 1450 hours.)

(The court reconvened at 1505 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: Let the record indicate that all members of the court are present. The prosecution and the defense are represented by counsel, all of the accused are present, the reporter and the interpreter are present. At the end of the last session the witness Cespiva was on the stand under direct examination.

DR. JAN CESPIVA, called as a witness by the prosecution, having been previously sworn, resumed the stand and testified further through an interpreter as follows:

PRESIDENT: The witness is reminded he is still under oath.

WITNESS: Yes.

PROSECUTION: The Czechslovakian interpreter, Dr. Frankl, is not here.

WITNESS: In this period of time I can testify in German.

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION, (continued)

Q The last question before the recess, Doctor, was this: With the exception of the signature, what differences, if any, existed in the content of the report, one of which went to the gestapo headquarters and one which went with the body to Dora?

A There was no difference.

Q Now in the case of the prisoners who died not in the bunkers at Boelke Kaserne, tell us what was the system of reports in that case?

A In this case it was not necessary to send a report to the security Service of the Gestapo. In this case only a report had to be sent to the prisoners' orderly room of the camp.

Q Did a report in that case also go with the body, as in the case of a man who died in the bunker?

A Yes.

Q Can you tell the court why, in some cases, a report went to the

gestapo headquarters and in other cases not?

(Dr. Frankl, Czechoslovakian interpreter, enters.)

PRESIDENT: I believe the witness said that during this period he would testify in German.

WITNESS: I can do that. Can I have the question again?

(The question was read by the reporter.)

A If somebody died in a bunker which was under the jurisdiction of the gestapo, then an official report had to be sent to Nordhausen, and this is what had to be done.

Q Now in the case of these reports, signed by the SS doctor, which went to gestapo headquarters and copy of which signed by the sanitary assistant which went to Dora, have you had occasion to see any of these reports?

DEFENSE COUNSEL: I object to that question on the ground that it is a double question and he is asking about two different sets of reports. He may have seen one sheet without seeing the other. He can't answer that question.

PRESIDENT: Objection overruled.

A Yes.

QUESTIONS BY PROSECUTION:

Q What comment can you give to the court with respect to the cause of death as stated in these reports which you have just said you saw?

A I was sent then in the bunker, and I have seen the death reports, and I also saw the corpses, and there was a big difference with respect to the death certificate and with respect to the actual diagnosis which I have seen on the corpse.

Q Will you give the court some illustrations of these differences as you saw them?

A The people after they had been interrogated had broken hips, and on their buttocks they showed they had big wounds, lacerations wounds with necrosis. That is dead tissue with skin, and the part below the skin is not alive, has no supply of blood, and it is all black.

Q What was the cause, the actual cause of death in the cases of these bodies which you examined and about which you have just testified?

A The blood had come out and it was full of pus as well as on the back and on the buttocks, and the prisoner who had been beaten to death had had to die in a septic condition.

Q What was the cause of the death of this prisoner who was thus beaten to death described according to the death certificate?

DEFENSE COUNSEL: If it please the court, I am going to object on the grounds that this line of questioning is vague and indefinite. He is talking about corpses in general--some corpse in particular or which corpses--we don't know what corpse he is talking about.

PROSECUTION: I am talking about the corpses that came to Dora from Boelke Kaserne.

DEFENSE COUNSEL: One or a thousand corpses--there may have been a thousand corpses.

PROSECUTION: I pray the court's judgment.

PRESIDENT: The objection is overruled.

INTERPRETER: Can I have the last question?

(Thereupon the reporter read the last question, "What was the cause of the death of this prisoner who was thus beaten to death described according to the death certificate?")

THE WITNESS: Either general physical weakness or a stroke of the heart.

QUESTIONS BY PROSECUTION:

Q Now, Doctor, you have just been describing the body of a prisoner beaten to death, whose death is described on the death certificate as being either due to heart trouble, physical weakness, or some other cause. From what camp did this particular body come from, if you know?

A I saw 4 or 5 such cases myself, one was from Ellrich, two in the bunker of Nordhausen, and in the bunker of Dora I treated the people myself and put on bandages before they died.

Q Who, if you know, treated the two that died in the bunker at Nordhausen?

A That must have been a physician because the bandage was very well.

Q Outside of disease and lack of nourishment, from what other causes did prisoners in Dora and the subcamps of Dora die?

A It was like this.

Q Name them, please, first.

A It was not only general physical weakness but also tuberculosis.

Q Outside of disease, please.

A Hard working conditions in the tunnel and this terrible speed with which the prisoners were being chased to work.

Q Tell the court what you know about this tempo you have just talked about.

DEFENSE COUNSEL: If it please the court, I object to this on the ground that it is again testimony as to general conditions which have been repeated by several witnesses here. As to the tempo of the work, it is immaterial to the guilt or innocence of these accused.

PRESIDENT: The witness will answer the question.

THE WITNESS: While the tunnel was being constructed, without consideration of injuries, there were blastings going on. Daily I saw on the operating table injuries where the prisoners had their heads crushed by rocks, their bones broken, by flying rocks and in this condition without power of resistance phlegmon cases broke out. And because then I did not have any sulfamin I had to conduct amputations and big surgical operations in order to save their lives. And after such invalids had returned in the camp here, on order was issued or given by eight-five invalids to quarantine, or isolate with the reason that the fire brigade could not use invalids who were people who were not capable of working. They may be lost many hundreds of people, and they were chased into the gas chambers in Lublin.

DR. MARX: If it please the court, I wish to make a motion to strike the last part of the witness' answer. He has no knowledge as to what there was in Lublin as far as the foundation is concerned, and it is not an issue in this case.

PRESIDENT: The objection is overruled.

THE WITNESS: There was only two who returned. That was in the fall of 1944. I spoke to one of them. Out of a transport of 1,000 men, 146 returned alive.

PROSECUTION: I take exception to that--"arrived alive".

THE WITNESS: 146 people came to Lublin alive, the rest of them died on the transport. Those that were brought in, those that had friends in the camp there were hidden out by them and returned. Therefore, I am informed what the fate of these transports was in the east. The man who had returned by accident returned to Lora under a different number, and they did not know that he was the same prisoner from Lora. The others were chased into the gas chambers because they had knowledge of something secret. This is the history of one transport. Of other transports I did not speak to anybody who was on the other transports.

(Continued next)

Q We are talking about the time of work.

A This was the reason why these transports went to the west. The speed was the reason for these transports. That was what happened on account of the speed.

Q Now, the time you talked about was in the spring of 1944, I think you said?

A Yes.

Q Now, tell the court what you know about the tempoof work in and outside the tunnels from that time on, until you became a prisoner.

A During the time when the tunnel was being constructed the people had to carry stones or rocks of about 30 to 40 kilograms which had to be loaded on little railroad cars, and the area had to be cleared for the next blasting, and if somebody was too weak to pick up that, he received a beating and he worked for so long until he was dead on account of heart failure. Therefore, in these death books so many people were delivered dead from the work place.

Q Doctor, I show you now three books which have been marked Prosecution exhibits for identification 32, 33, and 34, and ask you what they are.

A This is a copy of the original death books which I had copied by a friend of mine by the name of Ernst Pollak, who worked in the prisoners' orderly room of the hospital, and these three copies, these three books were hidden every time the Gestapo came into the camp, and after the liberation we saved these books, and we saved them by having them with the WCIT team, Nordhausen, for the reason that many Czechs are mentioned in these books. I wanted to keep it so I could notify their families.

Q Now, what period of time do those three books cover?

A From the beginning of the camp until June 1944. This was the time when Kammler came to the camp to our dispensary for the first time.

All these corpses which have been marked "L" on the right side, right hand corner were brought from the camp. They were never sick in camp.

DEFENSE COUNSEL: The only objection that the defense has to these books is that they are not properly authenticated and that they were not prepared by the witness and, therefore, we cannot vouch for their veracity or truth; nor were these prepared under his supervision, they were copied by another prisoner, and they were covering a time when the witness was not even in camp since they start at the beginning of the camp and go to June 1944, and the witness only arrived in camp in February 1944, [illegible] points.

The objection of the defense is overruled. Prosecution Exhibits P-32, P-33, and P-34 will be admitted into the record for such probative value as the court may see fit to give them.

[illegible]

(The documents heretofore marked Prosecution Exhibits 32, 33, and 34 for identification were received in evidence as Prosecution Exhibits 32, 33, and 34, are attached hereto, and made a part of the record.)

PROSECUTION: Now, I show you Prosecution Exhibit P-32. Will you go through the book and indicate what the various signs in this mean?

THE WITNESS: The first number is the serial number or the running number of the cases of death. The first number is the serial number or file number of the cases of death that occurred.

PROSECUTION: Just a second, please, I would like to have his start his answer over again. Will you state over again what you just said about the first number?

THE WITNESS: The first number that is marked down here is the file number of the death case.

PROSECUTION: Wait a minute. I object to that, too. He said, "of the dead person", didn't he, it is the actual dead man's number, as I understand it.

(Cooper-D root)

Tk 10y-gmp-Nordhausen-8/20/47-6

THE WITNESS: For instance, Anton Krumenko is the first one that died in the camp on that day.

PROSECUTION: For the record, the witness is referring to the first series of numbers on the extreme left hand side of the page.

PRESIDENT: Next page?

THE WITNESS: First page of the first book.

PROSECUTION: That is Prosecution Exhibit 32. It is the first page of names.

THE WITNESS: And all these corpses that have in the column that is marked with "BO", which means in English "were placed", that have an "L", they were all corpses that died in the camp during the work. That means they were brought back from the camp. When they died in a surgical department there is a note marked "Chf." When they were in the internal department the letter "I" is noted down. And if they were in the rest block, they are marked with an "SCH". If somebody was hanged or was shot, then they are marked with the remark, "death by hanging" or "shot".

gld-103-1

Q Will you find some such places in that book P-32?

A For instance 16th of December '44 seven Italian prisoners of war were shot. They are Denani, Giacomo; Bianchet, Erminio; Scala, Giovanni; Fiumatti, Elisio; Massoni, Carlo and Mor, Ernesto.

Q How were these seven cases marked in your book?

A With a red "E" which means shot or in German "erschossen".

Q What does this "E" here mean?

A These are the people who were on rest and returned to the camp. They were first in rest and then were brought back to the camp--returned.

Q Explain to the court what you mean by these people who were in rest and came back?

A If I did not have any space in the dispensary I could not keep them in the dispensary. I could write out a slip for him allowing him rest then he did not work and come to a special block number 16. He was taken and if there was no room there he stayed in the camp in his own block. If he was so sick, if he was very sick I took him into the dispensary. Then I take him back, which means he was in rest before. This is what the "E" stands for.

For the case of a hanging here is an example on the 12th of March 1944 a case by the name of Willi Scheffel, Security Custody, Number 22976.

Q What happened to him?

A Born on the first of July '09.

Q What happened to him?

A And hanged 12 of March, 1944. The next one on the same day, a Sunday afternoon, was a Russian, Number 27826, Potapow, Nikoli, born 19 of May, 1920, hanged on the same day, Sunday afternoon March 12, 1944.

Q Were any other marks in that book?

A The date next to the last when we had a crematory in Dora alone is the date of the burning.

(Respive-direct)

pld-103-2

Q What is the last column?

A The internal department of the camp. I spoke about that already.

Q Do you happen to know, Doctor Cespiva, who shot these seven Italians?

A Then I was not in Dora yet.

Q You have told the court, or we were talking before I introduced these books about the people or the tempo of the work. Now tell the court what you can about the tempo of work as it existed after the prisoners came out of the tunnels and lived in the barracks.

A The work tempo. When the tunnels had been completed and the V-weapons, the secret V-weapons were being constructed it was even bigger. There was only one difference. They did not carry rocks but heavy parts of V-1 and V-2. The work tempo was increased, but it was possible to decrease the mortality statistics.

Q Please ask him to repeat that answer.

(Thereupon the interpreter did as directed.)

A Even though the speed of the work was terrific in summer '44 the mortality figure became lower. For the reason because at this time we had already built nine blocks of the hospital. We had installed operating rooms and the prisoner doctors in the hospital practically did not sleep.

Q I want you to tell the court in just what respect this tempo was terrible!

A The factory in the Tunnel A worked on the production line. To the right of this so called assembly or main tunnel were the assembly halls, and when the torpedo arrived at the assembly hall all the other parts had to be mounted already, installed and just had to be inserted into the V-2. The movement of the production line was faster and faster so that the people who worked in the assembly halls could not even breathe, without a

moment of quiet. They worked from morning to night and also all night. If something was not ready they were either being beaten by the SS men or by the capo who was assigned there.

DEFENSE COUNSEL: If it please the court, I most respectfully want to make a motion that all this testimony and talk on the general conditions in this camp be limited. We have heard, now, five witnesses talk on the general conditions. This witness has been on the stand practically all day and has not yet testified one single thing against any of these accused. This can be carried on indefinitely. If he testifies on general conditions in justice to the accused I must cross examine him on these general conditions. This will go on indefinitely and we will never get this case tried.

PRESIDENT: The court will recess for 15 minutes.

(Thereupon at 1600 hours the court recessed.)

(Thereupon at 1615 hours the court reconvened.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all the members of the court are present; the prosecution and defense are represented by counsel; all of the accused are present; the reporter and interpreter are present.

The witness Cespiva at the end of the last session was undergoing direct examination.

PRESIDENT: The witness is reminded that he is still under oath.

DR. JAN CESPIVA, called as a witness by the prosecution, being reminded that he was still under oath, resumed the stand and testified further through an interpreter as follows:

DIRECT EXAMINATION, continued.

QUESTIONS BY THE PROSECUTION:

Q At the end of the last session, Doctor Cespiva, you were describing the tempo of the work in the tunnels---

PRESIDENT: At the time the court recessed a motion was pending. For the sake of the record I wish to state that the motion is denied.

Q At the end of the last session, Doctor Cespiva, you were discussing and describing the tempo of the work in the tunnels. Will you please tell th

court how long, to your knowledge, this tempo continued?

A I was arrested in the camp on the 2nd of November, 1944 and up to this time the tempo kept increasing.

Q What was the effect of this tempo of work upon the prisoners working in the tunnels?

A The prisoners died on account of exhaustion. They died in masses on the machines in the tunnels.

Q How do you know that these deaths to which you refer occurred by reason of exhaustion?

A When I was afraid that some diagnosis had been made out wrongly and I administered autopsies and I did not find any sickness, no epidemic, no pneumonia. The heart muscles were just like boiled rags. There hardly ever was any blood in the left heart chamber. The muscles of the body were so weak that you could squash them between your fingers and I could not

ascertain any other cause of death upon these corpses.

Q So your diagnosis as to the cause of death of these people was what?

A Death on account of complete exhaustion.

Q Can you tell the court, if you know, who, during the year 1944 was the responsible head of the organization which created this tempo or during part of the year?

DEFENSE COUNSEL: I object to that on the ground that no testimony has been introduced here to show which organization created this tempo. Is the prosecution speaking of the SS, the civilian firms or of whom?

PROSECUTION: Let the witness answer.

PRESIDENT: The objection is overruled.

THE WITNESS: The work tempo was being carried on by the Central Management together with the labor allocation leader and was also being increased.

(Compiva-direct)

Q Who was this Central Management, if you know?

A That was Rickhey.

Q Now, Doctor Cospiva, can you give the court any causes of death at Nora in addition to those which died from accidents or disease? Did they die from other causes?

A The people were being chased to work by being beaten with wooden clubs. They were chased to death.

Q Will you tell the court what you know about beatings in Nora and name the persons who did the beating?

A I treated a big amount of these people in the surgical department. There was Simon who beat the people in masses.

Q What was the condition of the prisoners whom you examined who were beaten by Simon?

A I saw lots of blood wounds in the back and on the bottom of these people, wounds that resulted from laceration of the skin and they were bleeding from the soft parts of the head and I had to sew that up. Once I also conducted a skin grafting.

The next one who used to beat people was Jacobi.

In the summer of 1944 the hospital was being built and the last blocks, block number 38-A and 39 were the last ones to be built during the summer. I received a Russian into my hands, 30 to 35 years of age who was bleeding from his kidneys and then he had an abcess right next to the kidneys. I opened the abcess and inserted a hose. And this man died in my department.

Q From what did he die?

A The cause of death was Phlegmon and Parapathic abcess on account of the quashing of the kidneys. He had been kicked with somebody's foot.

Q Who was the man that did that, did you see?

A Jacobi, number 9 and from the motor pool Koenig, and he mistreated

(Cospiva-direct)

a 10 year old person who was on his detail in such a manner as that he had a fracture of the zygomaticus. The was a compl'cated fracture. On the left of the face, phlegmon with panophtalmia developed on account of a disease on his smelling nerves. He developed menengitis and died from menengitis.

PROSECUTION: I pray the court's judgement. I question the translation. I would like to have it repeated.

PRESIDENT: The reporter will repeat the question which will be given to the witness and the witness will answer it again.

PROSECUTION: I just want part of it, sir, the part of it beginning with the description of what happened from the open wound in the cheek--from that point on.

PRESIDENT: For the court's information, let us have the whole thing.

(Thereupon the reporter read the last question and answer.)

PROSECUTION: Well, I am satisfied, I didn't get the whole answer myself.

PRESIDENT: All right, proceed.

Q Anything else you can tell the court about beatings? I beg your pardon, did I ask you whether the man that was mistreated by Koenig die

INTERPRETER: It is in the last answer, and he said he died.

PRESIDENT: He died.

A Now we have to draw a line between the defendants as they were in the camp and the defendants as they were in the bunkers.

Q Well, talk first about the camp and then we will talk about the bunkers.

A Before the gestapo came to the camp in the summer of 1944 all interrogations were being conducted by the court officer and Adjutant Detmers, and he alone it was that beat the people. Petapow, who was hanged because he had cut a cable in the tunnel, he had beat him in such a manner that he had to stay in the surgical department where I was, and they practically had to carry him to a gallows from the surgical department. An important witness with respect to these beatings of Detmers and these so-called interrogations, is Dr. Kahr. He several times was present as the only one at some of these interrogations, and he, together with me, treated the people. Also Brinkmann used to beat in the camp.

Q Can you tell the court some instances of beatings by Brinkmann?

A I cannot tell exactly by names because there are only a few names that I keep in my memory from the bunkers and from the camp.

Q Tell them without names, if you cannot remember.

A The people who were punished in the so-called block leader's room with the punishment of the so-called 25, had to receive at least 70 and more.

Q How?

A Because the skin was in rags and they were bleeding from their buttocks and they were blue from their knees to their neck, and many people that received these so-called small punishments stayed with me for months and months on account of bleeding of the kidneys.

Q What was the connection of Brinkmann with these?

A He was the one who beat the people in the block leaders' room and the worst beating that I have seen and experienced was in the bunker in Lodz.

Q Well, now, you tell the court what you saw take place in the bunker, what you, yourself, experienced in the bunker and who of these accused was involved. The whole story of the bunker.

A During the night from the second to the third of November I was brought from the camp to Niederseehswerfen to the gestapo. There I received a beating by Sander. I had in my jacket in my zipper jacket, potassium cyanide and I wanted to poison myself. These things break open, and I was beat until I was unconscious and they poured water over me.

Q Who was that?

A Sander. Puchrin. I did not see there in Niederseehswerfen. And when I came to again I had another new jacket on my body and this is how I lost the potassium cyanide. I saw these people who had been beat on the soles of their feet with ox tails, without having shoes on. Then we were brought to the bunker of Poelke East me and there I treated Simeon Grinko. That was his nickname; his real name was Velovoj Grinko. This is not his first name, this is his last name, Grinko. He was a Russian captain and instructor of the airfield in Odessa who had been shot down near Lodz-Litzmannstadt. The Germans arrested him in Lodz in civilian clothes and sent him under a different name to Lora. This man ran away from Niederseehswerfen guard and, upon being denounced by a land worker, he was arrested at 25 kilometers away from Niederseehswerfen. The next day he was being beat for approximately two hours. Sander brought me over from my cell and he ordered me that this man has to stay alive and that I had to care all the lacerations, wounds, all over his body. I lived with him in the same cell with a French surgeon by name of Laupault and he was a primarius in Dieppe. We treated Simeon Grinko until Christmas and approximately on the 10th. of January I was transferred to Dora. And

(Resjiva - direct)

in this bunker in the course ascribe the preparation for an interrogation was as follows: I, together with the Pole, was chained and handcuffed to the pipes of the steam heated system, short, like this. (Indicating). That was in the cellar at the steam heated boiler. And we received nothing to eat nor to drink for 24 hours. This boy many times became unconscious. With my teeth I tore off his body his jacket and his shirt and the next day I received a beating because I had destroyed valuable things. This was only the preparation for the interrogation. Then the people of the gestapo from Niederschoenfeld came with rubber hoses and ox tails and beat us until we were unconscious. During one such interrogation, Buehring broke my spine and since that time I am approximately fifty per cent invalid.

How did Buehring do that, Doctor?

A. That was in the evening. Max Becker called me from a cell. They brought me here into this anteroom, Pilian pressed my head between his legs, and Max Becker, with Buehring, kept beating me until I was unconscious. Then they threw me underneath the shower and when I came to them I received sand, as we use it to extinguish fires, thrown into my eyes. At that time, if I figure correctly, I received about 150. They beat me with rubber hose and with ox tails. When I was unconscious and I was on the floor, Pilian stepped with his foot on my neck. From this so-called interrogation I have the scars on my face here and here. (Indicating above both eyes.) The loss of blood was so great for about two days I was shivering and I could not run properly to the toilet. This had to be conducted on the double and I was always the last one because we were several in one cell and in this hallway in the left wing of the bunker they set dogs upon me.

Q. Who did that?

A. Buehring and Max Becker. May I show it?

Q. Yes, of course.

A. (Witness goes to wall map.) I was in cell 8. In this toilet

(indicating) there were only two seats and I arrived there the last one and I wanted to stay here because I was bleeding and I wanted to wash. Also for this, Becker and Buehring set Ajax upon me and here are the scars that I have from the bites of the dog. (Witness exhibits lower left leg.)

Q Let the record show the witness shows scars on his left leg.

A My trousers were always torn. These are things that I experienced upon my own body. But I was called to the bunker in order to make bandages. I made surgical operations with the most primitive instruments. I cut abscesses and necrosis with one knife. They did not allow me to boil the instruments and the only reaction, when I reported it to Becker and Buehring, was "They will croak anyway on the gallows."

According to my best knowledge I saw in the bunkers 40 to 45 people who had been treated in such a manner. After the attempt to escape from the bunkers in the last cell on the right hand side in the right wing. This cell was stuffed completely with these dying people. They stank terrifically. They had no possibility to go to the toilet, they could not move.

Q Who put those people there?

A Buehring, together with Becker and Kilian.

Q Anybody else who participated?

A That was Binder and Goebe.

Q What happened to that dog Ajax?

A Once he jumped on my body in the toilet. I kicked him with my foot and after a few days he died, but upon the order of Max Becker, I had to treat him.

PRESIDENT: Court will recess until nine o'clock tomorrow morning.

(Thereupon the court recessed at 1700 hours August 20, 1947.)

(Cespiva - direct)

MILITARY GOVERNMENT COURT

CASE RECORD

No 11
Pages 765 - 797, incl.

CASE NO. 000-50-37

PROSECUTOR Lt. Col. Herman

*~~SUMMARY~~
~~INTERMEDIATE~~ MILITARY COURT
~~GENERAL~~

DEFENSE COUNSEL Maj. L. Guillada

INTERPRETERS Rolly Inger
~~Simon Sieveles~~

PLACE Dachau, Germany

REPORTERS Gloria J. Spears
Peter V. Di Murti
~~Eunice L. Neudorff~~
Abel D. Holt

DATE 21 August 1947

WITNESSES

~~DR. JAN CHS IKA~~

ACCUSED ARTHUR KURT ANDRAE, et al

ADDRESS _____ SEX _____ AGE _____

FIRST CHARGE SECOND CHARGE

PLEAS

FINDINGS

PREVIOUS CONVICTIONS

SENTENCE

IMPRISONMENT (TERM _____
(BEGINNING _____ 194____

FINE AMOUNT _____
TO BE PAID BEFORE _____ 194____
FURTHER TERM OF _____ IMPRISONMENT

CHARGE SHEET AND RECORD OF TESTIMONY ARE ANNEXED HERETO.

SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY _____

SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

MILITARY GOVERNMENT COURT

CASE RECORD

Volume II
Pages 765 - 797, incl.

CASE NO. 000-50-37

PROSECUTOR Lt. Col. [illegible] erman

DEFENSE COUNSEL Maj. Lt. [illegible] oullada

*~~SUMMARY~~ ~~INTERMEDIATE~~ MILITARY COURT
GENERAL

INTERPRETERS Willy Winger
~~Simon Siegler~~

PLACE Dachau, Germany

REPORTERS ~~Gloria [illegible]~~ Peter L. Di urti
~~Eunice L. Neudorff~~ Mabel D. Holt

DATE 21 August 1947

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~~DR. JAN CKS.IWA~~

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PLEAS		
FINDINGS		
PREVIOUS CONVICTIONS		

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ACTION OF REVIEWING AUTHORITY _____

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MILITARY GOVERNMENT COURT

CASE RECORD

Volume 11
Pages 765 - 797, incl.

CASE NO. 000-50-37

PROSECUTOR Lt. Col. Herman

DEFENSE COUNSEL Maj. L. Guillada

~~SUMMARY~~ ~~INTERMEDIATE~~ MILITARY COURT
GENERAL

INTERPRETERS Kelly Finger
~~Simon Siegler~~

PLACE Dachau, Germany

REPORTERS Gloria L. Spears
Peter L. Di Murti
~~Eunice L. Haudorff~~
Mabel D. Holt

DATE 21 August 1947

WITNESSES

~~DR. JAE CES. IVA~~

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RECORD OF TESTIMONY

in trial of

THE UNITED STATES versus ARTHUR KURT ANDRAE, et al

by

CRIMINAL MILITARY GOVERNMENT COURT

tried at

DACHAU, GERMANY BEGINNING 7 AUGUST 1947

21 August 1947 Pages 765 thru 787

TESTIMONY

WITNESS:	Direct	Cross	Redirect	Recross	Court
DR. JAN CIEPLIVA	cont'd				

Camp Dachau, Germany

21 August 1947

MORNING SESSION

(Whereupon the court reconvened at 0900 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present, the prosecution and defense are represented by counsel, all of the accused are present, the reporter and interpreters are present.

At the end of the last session the witness Cespiva was on the stand under direct examination.

PRESIDENT: The witness is reminded he is still under oath.

JAN CESPIVA, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, continued to testify through a German interpreter as follows:

DIRECT EXAMINATION (continued)

QUESTIONS BY PROSECUTION: (continued)

Q Yesterday, during the course of your testimony, you were telling the court about a group of Russian prisoners who were confined in the last room on the right as you entered the bunker. Do you remember that?

A Yes.

Q Can you tell the court when that was?

A That was in the beginning of March 1944, shortly before this rebellion in the bunker.

Q Now, I believe you described the condition of these prisoners, but can you tell the court what happened to them?

A Two of these died, two were hanged, unconscious, and during this execution Tadeus Patser was the interpreter.

Q Where did this hanging take place?

A That was in the courtyard of the bunker on the big gallows.

Q To your knowledge, how many hangings took place in the bunker itself, as distinguished from the rest of the camp?

A That was this way: When I came to Dora to the bunker, the people

Camp Dachau, Germany

21 August 1947

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PROSECUTION: Let the record show that all members of the court are present, the prosecution and defense are represented by counsel, all of the accused are present, the reporter and interpreters are present.

At the end of the last session the witness Cespiva was on the stand under direct examination.

PRESIDENT: The witness is reminded he is still under oath.

JAN CESPIVA, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, continued to testify through a German interpreter as follows:

DIRECT EXAMINATION (continued)

QUESTIONS BY PROSECUTION: (continued)

Q Yesterday, during the course of your testimony, you were telling the court about a group of Russian prisoners who were confined in the last room on the right as you entered the bunker. Do you remember that?

A Yes.

Q Can you tell the court when that was?

A That was in the beginning of March 1944, shortly before this rebellion in the bunker.

Q Now, I believe you described the condition of these prisoners, but can you tell the court what happened to them?

A Two of these died, two were hanged, unconscious, and during this execution Tadeus Patzer was the interpreter.

Q Where did this hanging take place?

A That was in the courtyard of the bunker on the big gallows.

Q To your knowledge, how many hangings took place in the bunker itself, as distinguished from the rest of the camp?

A That was this way: When I came to Dora to the bunker, the people

were only hanged in the bunker. After this revolution attempt on the 4th of March 1945 the executions took place directly on the roll call field and in masses -- at least 10 up to 67 people at one time.

Q Now, Doctor, I am talking about the hangings in the bunker itself between the time you came to the bunker in Dora in November 1944 up until March 1945. How many hangings took place in the bunker during that time?

A From the 2nd of November until the 8th or 10th of January 1945 I was in the bunker in the Boelke Kaserne. In the Boelke Kaserne there were no gallows.

Q Let me interrupt and re-ask my question. From the 8th or 10th of January until the first or beginning of March, how many hangings took place in the bunker at Dora?

A At least 10 times, but I never knew how many people were hanged.

Q What do you mean by "at least 10 times"?

A At least 10 times hangings, but how many people were on the gallows at these times I can't say, because from January on my window was blocked off.

Q Can you give the dates of these 10 occasions when these hangings took place?

A That was January, February.

Q If your window was blocked off, how could you tell there were hangings?

A That was Kilian's matter. Whenever there were to be hangings Kilian came with a stick and closed all the trap doors, and then I knew that there were going to be hangings. We were not to know or to see who was being hanged, because in our case it was necessary for us to know what other people who were guilty, who were also guilty, could not speak any longer. For instance, on the 15th or 17th of January Walenta came to me and gave me a letter from Johann Chalupka -- that was the man who constructed

were only hanged in the bunker. After this revolution attempt on the 5th of March 1945 the executions took place directly on the roll call field and in masses -- at least 10 up to 57 people at one time.

Q Now, Doctor, I am talking about the hangings in the bunker itself between the time you came to the bunker in Dora in November 1944 up until March 1945. How many hangings took place in the bunker during that time?

A From the 2nd of November until the 5th or 10th of January 1945 I was in the bunker in the Moelke Kaserne. In the Moelke Kaserne there were no gallows.

Q Let me interrupt and re-ask my question. From the 5th or 10th of January until the first or beginning of March, how many hangings took place in the bunker at Dora?

A At least 10 times, but I never knew how many people were hanged.

Q What do you mean by "at least 10 times"?

A At least 10 times hangings, but how many people were on the gallows at those times I can't say, because from January on my window was blocked off.

Q Can you give the dates of those 10 occasions when these hangings took place?

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were only hanged in the bunker. After this rebellion attempt on the 5th of March 1945 the executions took place directly on the roll call field and in masses -- at least 10 up to 57 people at one time.

Q Now, Doctor, I am talking about the hangings in the bunker itself between the time you came to the bunker in Dora in November 1944 up until March 1945. How many hangings took place in the bunker during that time?

A From the 2nd of November until the 5th or 10th of January 1945 I was in the bunker in the Boelke Kaserne. In the Boelke Kaserne there were no gallows.

Q Let me interrupt and re-ask my question. From the 9th or 10th of January until the first or beginning of March, how many hangings took place in the bunker at Dora?

A At least 10 times, but I never knew how many people were hanged.

Q What do you mean by "at least 10 times"?

A At least 10 times hangings, but how many people were on the gallows at those times I can't say, because from January on my window was blocked off.

Q Can you give the dates of those 10 occasions when these hangings took place?

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Q If your window was blocked off, how could you tell there were hangings?

A That was Kilian's matter. Whenever there were to be hangings Kilian came with a stick and closed all the trap doors, and then I knew that there were going to be hangings. We were not to know or to see who was being hanged, because in our case it was necessary for us to know what other people who were guilty, who were also guilty, could not speak any longer. For instance, on the 15th or 17th of January Walenta came to me and gave me a letter from Johann Chalupka -- that was the man who constructed

radios.

PROSECUTION: Just a minute, please. I think he said "who had built the radio."

(Whereupon the statement was repeated by the witness.)

A (continued) That was the man who built radios, who built the transmitter and sender and told me that Albert Guns was dead already and that "everything can be pushed off on him."

Q Was that Guns or Kuns?

A Albert Kuns. But this man was later beaten on the 20th or 23rd and later on hanged in the cellar; then he was burned secretly by the SS; and that is why in all these files there is no death certificate about him.

Q Do you know who hung Kuns and do you know who beat him?

A No. I know who had duty in the bunker when they were beating him. I heard his voice.

Q Whose voice did you hear?

A Buehring, Goebe, and Sander. I heard "Yes or no," and then beating again.

Q Whose voice was that?

A Buehring, his voice. And during the screaming I recognised the voice of Albert Kuns. I heard about his death on the 25th, until the end of January, when I spoke with the Czech orderly Melmuka, and he told me that Albert Kuns was burned secretly by the SS people during the night.

Q Did he tell you by whom he had been burned?

A No.

Q Did you hear by whom he was hung?

A That must have been those people who were in the bunker at that time. It is logical that nobody of the prisoners would have performed the hanging. It must have been either Kilian, the only one of the prisoners, or SS people.

Q Now, you mentioned this letter ----

DR. PHLEGER: Just a minute. I move that this last part of the witness's answer be stricken on the grounds that it is a conclusion or presumption on his part -- "It must have been so."

PROSECUTION: That is really his choice of words, may it please the court, but he is actually saying that only SS men or Hilian could have done the hanging. I pray the court's judgment.

PRESIDENT: The objection is sustained.

Q Now, you were talking about this letter that Walenta brought to you. Have you anything more to tell the court about that? In the letter or anything you have in mind to say.

A We had an agreement with Chalupka that if he wrote a letter and that if he wrote his first name after his last name that this was dictated and also for records or testimony; if the first name was written after the last name that this was written under duress. From Chalupka and Hans Schneider I always knew which record, testimony, was written under duress through this designation, and if I read it that way I didn't believe the letter.

Q Now, this particular letter -- how was that signed?

A Chalupka, Jan.

Q Now, can you tell the court anything else about Walenta, so far as the bunker was concerned?

A Walenta was a terrible figure in the bunker. Outside of the bunker, out in the camp, he spoke very free with the people very often, collected the news for the Security Service for Sanders and made reports there. We, together with Buehring, arrested perhaps 60 to a hundred Russians. When I, together with the Russians, was in the bunker, Walenta built up a so-called secret organization in the camp in such a manner that one of the group of Russians was supposed to liberate us from the bunker. This group volunteered and then they were all arrested and hanged.

Q Where?

A On the roll call field. One from this group was in the cell with me and told me that was purely the work of a confidential agent.

Whereupon Dr. Aheimer interposed an objection to the translation of the term "confidential agent.")

DR. [illegible] COUNSEL: If the court please, that is a technical term that can be translated just in those words, "agent provocateur."

PRESIDENT: I believe, the objection by German counsel is well taken, and the term should be translated as "agent provocateur." It is a kind of an international term that is used in several languages.

Q And now further. What next?

A And Walenta worked so well for the Security Service and for the Gestapo office of Niedersachswerfen and for Sendera that he was released from the camp. One day he arrived at the camp with a hat and a tie and without a number and said that he was not an inmate of the camp any longer but a civilian employee of the Gestapo office of Niedersachswerfen. That was shortly after this rebellion in the bunker. During this rebellion, at least 15 Russians from the third cell of the right wing escaped. That was a deed committed under desperation because they had been sentenced to death. In the evening, reporting to the doctor, they took the beds apart and with a slat from the beds in their hands they jumped on the SS and Walenta and wounded Walenta on his head, on the top of his skull. They broke out into the large outer room. Max Deckert and Gustav Grund they attacked in bed and wounded, and at that moment Eichen jumped out from the right room with a pistol in his hand and shot at the people. That what I am relating now I heard from Walenta and the Czechoslovakian orderly, Velmuka. At that time I was sitting in cell 6. I heard screams and shooting. After about a quarter of an hour or 20 minutes I was called for from the cell to bandage the SS man Grund, Walenta; and I saw that in the corredor there were 8 to 9 bodies next to the stairway, in the large outer room Simon Grinke and Pkusow were lying. Simon Grinko had a shot through his left arm and his head had been bashed in with a foot steel. It was open; one could see the brains. Pkusow's face had been beaten badly. During this affair a Russian prisoner of war was killed whose number I still know today, and his number was 01001. His name was Alexejev. In the files it has been entered that he died in

(CESPIVA-Direct)

camp, but this was reported to the prisoners' orderly room incorrectly.

PRESIDENT: Now, just a second, please, does "falsch" mean "incorrectly" or "falsely"?

INTERPRETER: Falsely.

THE WITNESS: In this night he was beaten to death in the bunker. I personally saw him when he was arrested and came through the entrance into the bunker. That was a very well-known football player and from football I know this Alexejev. Alente, while he was being bandaged told me when I asked him what had happened here, "He fixed him properly", and he said that he had taken care of Simon Grinko with the footstool. He had attacked him, he had jumped at him with his right hand.

PROSECUTION: May it please the court, I think that the witness said "killed" or "liquidated". That is not the word he said.

INTERPRETER: "He had taken care of"--

PROSECUTION: That is what I think you said, and that is what I take exception to.

INTERPRETER: He had liquidated him.

PRESIDENT: Is this Simon Grinko the same one that was referred to yesterday as Simeon Grinko? A reference was made to a man by the name of Simon Grinko. Is he the same man as Simeon Grinko?

THE WITNESS: That is the same one that [illegible] from the Boelke Kaserne to Nordhausen after his recovery. He was supposed to have been hanged and that is why he made this rebellion in the bunker. In this period of time the following people were on duty in the bunker: Max Beckert, Gustav Grund, Goebe, Richard Kalenta, Killian, Semke, and the habitual criminal with the name of Jumbo. These together with Simon fought against the Russians and beat them to death. From my cell I only heard six shots, and I thought he didn't have an opportunity to put a new magazine into the pistol.

QUESTION: (Continued):

Q Now, Dr. Cespiva, at an earlier time you identified the accused, Andrae. What can you tell the court about what you know or have heard about Andrae?

A Andrae was in charge of the post office, the chief of the post office, and before we had a post office in the so-called prisoners' orderly room, and the people in the tunnel received their packages in the tunnel blocks, the packages were unpacked from it by these people in front of the block eldest, and they only had to turn in liquids and in the beginning paid custom duty for tobacco. But from that time on when somebody else controlled these packages alone up above--when Andrae controlled the packages alone up above, they were pilfered, and I know of cases where the prisoners only received one piece of soap out of the Red Cross package. I personally received Red Cross packages twice from Switzerland because my friend had me entered in the files of the Red Cross. In my package I only received cakes which had been crushed, shaving soap, and the package was dirty from marmalade--jam. Altogether everything could not weigh 10 dkgs, those are 100 grams. The second package I almost received everything because by chance I happened to be at the post office. We heard and I saw that in these Red Cross packages and packages from France that the most important medicinal products arrived, and in the beginning in the dispensary we only received aspirin. In the summer when the post office was already down at the gate in the block elder's room were Sergeant Lorenz and Ferdinand Kerpek. I wanted to speak with Andrae that all medicinal products should come to the dispensary. At that time Kerpek stole packets full of sulfonamide. That was the most important, also thenotherapeuticum against phlegmon and pneumonia. Since that time I know that the most important medicinal products which Andrae didn't understand what they were disappeared and did not come to us, although people died by the tens of these streptococci. Then what was important in y

surgical section, the wounds from those operations did not heal well because the people were in such a miserable condition that the scars did not form because they had such a poor calorie--because they only had 750 calories, and I am completely convinced if the prisoners during this period of recovery would have received the correct and unpilfered packages from the Red Cross they would have healed well and we wouldn't have lost so many people from accidents. And in my opinion through this thing he is a murderer. He was also a very famous doctor with a heavy hand. Doctor Kahr, my chief at that time had a fracture of the lower jaw--made a fracture of a lower jaw for a young Frenchman in a plaster cast.

PROSECUTION: I am sorry, I don't think that is correct.

THE WITNESS: It would be better that this passage I relate through the interpreter in my native tongue.

PRESIDENT: Do so.

(hereupon the witness testified also through the Polish interpreter.)

THE WITNESS: This young Frenchman I saved from the post office that he had a package there, and he was waiting for this package in the block. After the roll call he didn't receive anything, therefore, he went to the post office to inquire about this package and was beaten there by Andrus. With a face which had been beaten blue, he didn't come to the dispensary until the third day. He was a school example of a fracture of the lower jaw. I immediately reported this to Dr. Kahr. I laid the patient on the bed because he couldn't bite any bread, and bread was our main nourishment; under those circumstances under which we were living, every man who had a fractured jaw and wouldn't have remained at the dispensary would have remained in the camp, and he would have died. Dr. Kahr personally made the plaster cast and he made a plaster helmet.

PROSECUTION: Doctor, never mind the treatment.

THE WITNESS: With the support for the lower jaw.

Questioned by Prosecution:

Q What happened to this man--this prisoner?

A He as Livan[illegible] is still alive; he is now living in southern France not very far from Marseille[illegible]

Q Now, can you tell the court anything else about Andre?

A That is all.

Q Now, you also recognized the accused Sreuny. What can you tell the court about Sreuny?

A With Sreuny I never came into personal contact. I know that he was a brutal person who was capable of everything.

Q Can you give any specific facts about Sreuny?

A In the spring I saw how Sreuny jumped among marching prisoners and kicked them with his feet. Why that happened, I don't know. I didn't see any mistakes. In the hospital I never treated any prisoners who died as a result of his beatings or I don't remember it.

Q Now, you also recognized the accused Brinkmann. What can you tell the court about Brinkmann?

A Brinkmann was in Dora, I believe, until the summer and then he was transferred to Ellrich as the camp leader.

Q Summer of what year?

A In the year 1944, and remained there until I was arrested. That must have been in the early fall or in summer '44.

Q That must have been in the fall or early summer?

A This transfer to Ellrich.

Q Now, you were in Ellrich, Dr. Cespiva. What can you tell the court about Ellrich and Brinkmann?

A When Brinkmann came to Ellrich the first thing that he did was to make the homosexuals and the habitual criminals block elders, and with his name he covered all the beatings of this gang. In the hospital in Ellrich

daily people came who had been beaten, and under his supervision Ellrich was the Hell of the entire Mittelbau with the greatest death rate and the greatest number of persons beaten to death. When I came with the transport on the last day to Ellrich, there one railroad car was left behind I suppose most probably on his orders, which was full of stinking people, stinking bodies, and the living people ate the other people. I was chased back in our transport, and I don't know what happened to these people.

PRESIDENT: The court will recess for 20 minutes.

(Whereupon the court recessed at 1000 hours.)

* * * *

(Con. 176-Lirect)

8-21-mih-1

(The court reconvened at 1020 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: Let the record indicate that all the members of the court are present, the personnel of the prosecution and of the defense are represented by counsel, all the accused are present; the court reporter and the court interpreter are present. The witness Cespiva, at the end of the last session was on the stand under direct examination.

DR. JAN CESPIVA, called as a witness by the prosecution, having been previously sworn, resumed the stand and testified further though an interpreter as follows:

PRESIDENT: The witness is reminded he is still under oath.

WITNESS: Yes, sir.

DIRECT EXAMINATION, (continued)

QUESTIONS BY THE PROSECUTION

Q At the end of the last session you were talking about Ellrich and the accused Brinkmann. Have you anything to add?

A That is sufficient.

Q You also recognised the accused Buehring. Have you anything to add to what you have already said?

A Yes. Buehrin was at first in the 14th Security Company as an SS corporal and from this company Sander called him to work at the gestapo office at Niedersachswerfen. Buehring was the hunting dog of Sander. He always went down to the tunnel to listen to the people. He was present, together with Sander at the most severe interrogations. He beat the people almost to death and for my section, for my surgical section in the dispensary in there at least fifteen people spoke against Buehring. When I once bandaged a Russian in the tunnel, a Russian who was half dead, the Russian was so afraid of him that he told him in Russian that he should go away. He didn't understand Russian and asked me what he had said. I said that he wanted to vomit, but nevertheless he kicked the Russian in the face and locked me up in my cell because I spoke to one of my patients.

He was the right hand man of Sander. He, together with Eckert, made the so-called pretrial investigations. Always when entering was in the bunker the bunker was filled with screams. He beat with a piece of wood or with the cowhide whip like a crazy man and he also beat me personally. I have already told about my interrogation. If somebody was hanged, he always was present, prepared the people, together with Filian. On the way from the bunker to the gallows I always heard screaming. They already beat them in the bunker, and a few times I heard shooting, but I didn't see anything because I was locked up in the cell. Fuehring got confessions through blackmail. The people couldn't think logically any longer and said yes to everything, and signed statements through blackmail. Once I was present and during my confrontation with William Rubinski and this young Pole's pants were torn, he was bleeding to such an extent that his wooden shoes were full of blood. He denied everything to my matter and the next day he was hanged in such a condition. He had a fever and he was shivering over his entire body and I after his so-called preparation for interrogation, personally almost had fever for ten days. He tortured the people; when they were unconscious he threw them under the shower and let the water run into their noses and their mouths. From my treatments I know the death cases from his so-called interrogations. He is the man who, on the 22nd of March, told me, with Michon, "It will also be your turn. That means to the gallows. The recommendation for a special treatment of my person was sent to the main office of Vienna.

Q Anything else?

A Yes. At that time it was possible that the gestapo office of Nordhausen and Niedersachswerfen sign with the court officer the death sentences alone, but only for Poles and Russians. People who were from the Protectorate and Germans, the recommendation would have to go to the main office in Vienna for confirmation. This fact saved my life. On the fourth of April Dr. Kunze called me to an operation in the bunker. He knew that Sander and Moser were not present in the camp. He took me

to the SS dispensary for an important operation on an SS man. I was then escorted into the camp. The camp was being prepared for the evacuation. I disappeared among the crowd. Then I came on a transport to Bergenbelsen.

Q Let's save that. Now have you anything to add further about Buchring?

A No.

Q Now you also recognized the accused Detmers. Have you anything to add about Detmers, to what you have already said?

A That was the predecessor of the gestapo in the camp. Before the gestapo came into the camp he was the worst beater. He was the adjutant of the commanding officer and the court officer, even though he did not have a title and was not a lawyer and he didn't conduct himself as a human-being; at the most, as an inconsiderate gangster. I often have seen Professor Schmitt, a 50 year old Frenchman from Block 26--in civilian life he was a teacher of languages in Paris and he was the interpreter for Detmers. From this man I can give an example of an interrogation where a Russian by the name of Potapow cut a cable in the tunnel and that was an important installation. A foreman reported him. He came to Detmers. Detmers' interrogation room at that time--can I show it? (Witness goes to wall map.) It was in this barracks.

Q Let the record indicate that the witness is pointing to a building at the end of the camp opposite the words "protective custody camp leader" on Exhibit 1-22.

A And if one came in from the outside in this hall which led here--

Q Pointing to the northern side of the building.

A (continuing) his room was on the left with windows toward the outside. In my opinion it was the fourth room. In this room Detmers made the so-called interrogations with a cowhide whip. And Detmers asked this Russian Potopow why he cut this cable. He said that that was his duty,

(Despive - direct)

because these weapons were being constructed against his fatherland. Detmers asked him if he knew that he would be hanged for this sabotage. The Russian replied"that is known to me." He was beaten in front of Schmitt so severely that he was brought to my section in the dispensary and on order of my former chief, Dr. Kahr, I treated the Russian and the Russian was hanged on the rollcall field.

Q By whom was this Russian beaten?

A By Detmers. During this execution, which took place on Sunday afternoon in bright sunlight, thousands of prisoners were present. Petopow was practically carried to the gallows and was crying., and was hanged. The most important thing is that I heard from Dr. Kahr,and still in Dora, that Detmers alone as a layman, not an expert, conducts these interrogations with a brutality and so alone makes the recommendations to the main office Wiemar, (A remark here. At that time it was still necessary.) or to Berlin, and these sentences come back not changed, just confirmed. In the bunker during these interrogations we never had an opportunity of having a defense counsel. We were only beaten, then we were forced to sign the statements, the record, and covered with blood we returned back from signing the record. Then the so-called human beings sent the record undated to Berlin and the people were hanged. From his character I know that he was quite rotten and completely inconsiderate, low and brutal and the biggest witness, the crown witnesses against Detmers are all dead by hanging. These would be able to tell what these interrogations were like. I can only say how he treated these people and what I heard from the interpreter Schmitt.

Q Anything else about Detmers?

A When I was arrested, Detmers was still in Dora but in the bunker in the Boelke Kaserne,and in Dora I have never seen him. He disappeared.

Q Now you also recognized the accused Heinrich. What can you tell the court about Heinrich?

A Heinrich was the second adjutand and during a short period of time together with Detmers. And probably then he took over the functions

of stairs. I have never seen Heinrich in the bunker but I heard, I heard that from Fillion that that was a new court officer. I was never in contact with him.

Do you know for what period of time he was the adjutant?

A That I can't say exactly in the bunker I didn't have as clear a picture as in the camp.

Q Now you have previously recognized the accused Kelbig. Have you anything to add to what you have already told the court about Kelbig?

A There is only one thing that I can reproach Kelbig with. When in Nora, in the base camp, the typhus epidemic broke out the clothing supply room was full of shirts, clean shirts and the greatest danger was the filth and the lice, because they are the carriers of this disease. At that time we had a shirt for two or three months and delousing station was not large enough. Nevertheless, we fought against this epidemic for 27 days because I came from Auschwich and had had great experience with typhus in Auschwich. It would have been much easier if he would have thrown a great supply of linen into the camp, we could have conquered this epidemic much earlier and we would have had perhaps only two or three victims. To me, personally, Kelbig did something good. My best friend, Jusk, he had him in the clothing supply room after he was convalescent, gave him light work and fed him, and Jusk never spoke to me anything against the accused. That is all that I know about Kelbig.

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Q You previously recognized or identified the accused Jacobi. Have you anything to add to what you have already said about him?

A A summarization about Jacobi. We can say that he was a beater and an inconsiderate detail leader. When he chased the so-called transport column to the block buildings with his dog--that time four people had to get a very large board from the barracks, a part of the living quarters of the blocks that must have weighed over a hundred kilos, and the people were undernourished and weak--and he chased the people to work. I know of no death case which I have already described. That was the abcess near the kidneys who died in my section.

Q Can you add anything more about Jacobi?

A He is the wearer of the Iron Cross. He fought for his fatherland against the unconscious prisoners who had their hands tied. In here he was a hero.

Q You have previously identified the accused Kilian. Can you add anything to what you have previously told about him?

A Kilian, in my opinion--Kilian from the summer of 1944 until the spring of 1945 moved directly on the border of abnormality. He beat the people in the bunker with sadistic feelings. He laughed during this and his face was full of pleasure and during this he almost beat people to death. I saw him, when with the leg of a footstool he beat the people on the head.

Q Where did this happen?

A In the bunker. After the rebellion he said, "I liquidated a few of them also with the footstool."

Q Did you ever see a hanging?

A Yes.

Q Where?

(Caspiva-direct)

A On the roll call field.

Q When?

A On the 13th of March, 1944 when Zwiener hanged the first two.

Q We will save that. Anymore who Kilian was the hangman?

DEFENSE COUNSEL: If it please the court, I object to that on the ground that it is a leading and suggestive question.

PROSECUTION: He has said repeatedly that Kilian was the hangman. I am asking him if he ever saw any of them?

PRESIDENT: The objection is overruled.

THE WITNESS: That was in summer on the roll call field. Four people were being hanged. They didn't have their hands tied behind their backs, but the right hand of one tied to the left hand of his neighbor so it happened that those at the end had the right hand and the left hand free. At the end on the right hand side when they pushed away the footstools he wanted to pull himself up by his right hand and these attempts to pull himself up by this pole took at least one or two minutes. I couldn't watch this so I went into the dispensary. What happened to these people then I do not know, but I didn't hear any shootings.

Q Who was the hangman of these four people?

A That was Kilian.

Q Did you ever witness any hangings in addition to the two you have already described?

A I was twice in the wood courtyard where only individual hangings took place. Once I had to go there. They chased the people from the camp street to this hanging. I told Grom at that time that I am a doctor and didn't have any time. Nevertheless he chased me into the wood courtyard and said, "For the doctor it is also good. You must see our technique."

Q In addition to the hangman at these hangings which you saw what other 58 people, if any, did you see present at these hangings?

(Cespiva-direct)

pld-108-3

A That was in the ward courtyard. Detmers, Brem, Max Eckert brought the people.

Q Limit yourself to the people in the courtroom.

A Then the interpreter Doehring. That was a German prisoner. Sprinkmann was present. Detmers was present. Zwiener was present and Moeser was present at executions. I did not see the mass executions because from January, until March I was in the bunker in Lera and at the most from my cell I could only see 30 to 40 centimeters of the railroad on the roll call field. That means only the last heads.

Q Now you also recognized Zwiener. Can you tell the court anything in addition to what you have already said?

A That was the former camp eldest in Lera. During one execution he volunteered to hang these people alone. That was the two Reich Germans, the political prisoners Seymcek and Thomas.

Q Can you tell the court anything else about Zwiener?

A Zwiener with Willi Hoffmann, the other names I don't know exactly---

Q I do not want to know anything about any Germans.

A ---had a Reich German the interpreter Willi Doehring.

Q Anything else about Zwiener?

A I don't know of any incident where Zwiener alone beat somebody to death, only a Reich German.

Q You have previously identified Valenta. Have you anything to add to what you have previously told the court about him?

A For me it is sufficient that he was an employee of the Gestapo office of Niedersachswerfen.

Q Doctor you have said that. I asked you if you had anything to add to what you have already said.

A That he severely wounded Simeon Grinko in the bunker and that

(Cropiva-direct)

he beat him to death. That he told me himself when I was bandaging him.

Q Anything else that you know?

A No.

Q Now you have previously identified the accused Simon. Have you anything to add about Simon?

A With Simon I had a severe controversy. My duty in the dispensary was that I had to write the convalescent slips for the prisoners and when I had very little room in the dispensary I made out convalescent slips for people who were not too ill. They shouldn't work and they were to lie over sit in a so-called convalescent block. When there was no more room in this convalescent block I wrote a convalescent slip for his block. That means that I carried the responsibility, that I took so and so many people away from work and due to this tremendous tempo in the tunnel it didn't please the labor service leader. He twice had me called to the work statistic to the capo Szymcak and told me that I was writing out too many convalescent slips. If I didn't know that the tunnel needed more people and not less and less. I told him that it was my duty as a Doctor to work according to my best conscious and to determine the diagnosis and I told him that it would be better to have a conversation with my chief Doctor Kahr about this matter.

Simon threw me out and on the third day after this he took every convalescent slip that was in the camp away. He went through the blocks and screamed like a madman, "Such stuffed oxen I have to chase to work."

I took away all the convalescent slips, even those from Block 16 and after this fact we received a large number of dead people directly from the tunnel, from the work. That was, for instance sickness of the leg. Oedema. That means swollen feet. That was hunger oedema with heart failure and these people had been chased to work and the circulation during the work stopped.

This matter of the convalescent slips means more to me than any kind of beatings or even 25 on the backside.

(Caspiva-direct)

Simon did this also, this mass beating and he was attached in the camp together with his wolves Rudel, the green ones that the prisoners when they saw him hid from him.

Q Anything else about Simon?

A No.

Q Previously you stated that you had never personally seen the accused Schmidt, Doctor Schmidt. Had you heard anything about him either in Torn or in Boelke Kaserne?

DOCTOR AM MAYER: I object. The name of Doctor Schmidt has never fallen here yet and therefore the witness cannot know who is being spoken of.

THE WITNESS: I request a Czechoslovakian translation of what the defense counsel has just said.

(Thereupon Doctor Aheimer's remark was translated into the Czech language.)

DEFENSE COUNSEL: If it please the court, I have a further ground of objection to that question on the ground that the witness has not identified the accused Schmidt in any way. The name Schmidt is an extremely common one in Germany and any testimony that he gives here to matters that he may have heard about a Doctor Schmidt may not be this man at all.

PROSECUTION: I will withdraw the question.

Q Will you tell the court, what, if anything you heard about a Doctor Schmidt on duty at the SS Boelke Kaserne or at the Gestapo Bunker at Boelke Kaserne?

DEFENSE COUNSEL: If it please the court I am going to object to that question on the ground that it is leading and suggestive and is prompting the witness, putting testimony into the witness' mouth and trying to prompt him and lead him on to testify about something he doesn't know anything about.

PROSECUTION: I ask that the question be read and see if that is a leading question.

(hereupon the reporter read the last question as requested.)

[illegible]: If it please the court the witness has not testified that Doctor Schmidt was on duty at the Boelke Caserne. That is for the first time being suggested to him by the prosecution.

PROSECUTION: I am asking him to tell the court if, what if anything he heard about Doctor Schmidt.

PRESIDENT: The objection is overruled.

THE WITNESS: The people who were transferred from the Boelke Caserne in the beginning of March to Dora were bandaged and it seemed to me expertly and the people told me that they had been bandaged by an SS Doctor. The name of Doctor Schmidt I also heard in the Bunker at Dora.

Q When for the first time?

A That was in the period from January until the evacuation -- more later on -- in the second part of this .1 e period.

Q Go ahead. Tell the court what you heard.

A That in this bunker in the Boelke Kaserne which was subordinated to the SS doctor, Dr. Schmidt, and the bandages on the patients which I received there were made expertly. In this period of time the bodies were transferred, were sent over, from Boelke Kaserne to the Dora dispensary and the Dora crematory.

PROSECUTION: I am sorry. I think the interpreter left out a vital part of the answer.

(Thereupon the answer was repeated by the witness and translated by the interpreter as follows:

A In this period to Dora, to the crematory -- that is, in the hospital in Dora -- the dead bodies of the bunker, Boelke Kaserne, were transferred.

PROSECUTION: You left out "bunker."

A (continued) And there was a dispensary clerk in Dora who saw the bodies and the death reports were falsified, were incorrect. It was written there "heart failure" and "arteritis" and they had been beaten to death.

Q Is there anything else that you saw and that you heard about a Dr. Schmidt from the bunker?

A Nothing further.

Q Now, Dr. Cespiva, you previously identified the accused Rickhey. Can you tell the court anything about Rickhey in addition to what you have already said?

A Rickhey was the manager of Jlfeld. I saw Rickhey in the tunnel three times and once shortly before my arrest. That was when the operation room down in the tunnel was already finished. He was down in the tunnel

together with Simon. He made a visit, or an inspection, of the tunnel and was also in this temporary operation room. The second time I saw him at the testing stand, where the torpedoes were pulled up with the points up and the radio apparatus was tested; and the way to go up should have been finished a long time; and Rickhey said to Simon, "What do the people do here who are sleeping here?" And in this period of time people were dead at the place of work from over-exertion. The same day I saw that Simon, together with Rickhey, together with Ferdinand Pussta, the SS Corporal, in Tunnel A along the conveyor belt were walking there. The people, when they saw Rickhey together with Simon, hid behind parts or disappeared to the latrine, because it always meant a report, that means almost being beaten to death during these interrogations by Detmers or by the Gestapo office of Niedersachswerfen, Buehring. Once I saw Rickhey at the loading station of the electric cars. I don't remember when this was; I have forgotten the time. And 6 or 7 prisoners were riding in an electric car which were changing accumulators. He believe that so many people were employed there; he asked how many people were employed here and chased the others away. Naturally, I also disappeared, because at that time he was master of life and death in the tunnel. If he had made a report to the Security Service about sabotage or something else, that meant death. That is why I didn't want to come into personal contact with him.

Q Is there anything else that you can add?

A No.

Q Now, you previously identified the accused Moeser. Can you tell the court anything about Moeser that you haven't already said? But leave out the transport.

A For me, or, rather, it seemed to me that Moeser was a decent person. He never did anything to me personally. Now and then he would give a few beatings, but I did see him at the official executions, hangings, and when he came into the bunker for the prisoners and then was present on

the roll call field, I heard shootings up to the bunker. Once I was called to Moeser in the summer of 1944. I found a man from a transport from France that was a German capo who had beaten to death in France one of my best friends, a doctor. I attacked him in the block during the distribution of food and I told him that he must tell me what happened to my friend.

Q What has that got to do with Moeser?

A I had to go to Moeser for this matter. The capo reported this to the camp leader that I had beat him, and I was there for an interrogation or investigation at Moeser's. He listened to everything what I had to say to him; he did not beat me; threw us out and he said, "In the camp you can beat each other to death; that is immaterial to me." That is all.

Q You previously recognized the accused Maischein. What can you tell the court about Maischein?

A Maischein had the rank of a medical orderly or he was a medical assistant in the SS dispensary and he came to the dispensary or hospital to Dora when he needed something. He received things from our capo, as well as food. But one thing was very interesting about this medical orderly -- that he was always called either by Detmers or by Sanders for secret burnings. In the summer of 1944 I was in the crematorium, in the small crematorium down below in the camp. I controlled late at night the death certificates with the capo. Maischein came along together with another block leader and threw us out. I went to Block 15 and then to the delousing station and, out of curiosity, I went from the camp street, around the back, to the crematorium. I saw a cart, or a wagon, with four wheels full of dead bodies in civilian clothes. Two of these had light working clothes, or light working combinations. The capo Fox had to return from the crematorium because they didn't know how to work the oil opening -- the little point that goes into the oil. They didn't know how to work that. He had to set that for them and had to disappear again. Then 6 or 7 men were burned

secretly. The next morning I reported this to Dr. Kahr and I wanted to know if I should count these people in at the roll call as prisoners, and he said that he would inquire about this. My clerk, Polak, I sent to the gate and there he learned that these people had arrived in the bunker alive; there they were liquidated; there was no shooting in the bunker; and then during the night they were burned; and about these things the capo Fox told me that this was a flier's combination. Dr. Kahr told me, "Hands off from this matter. You don't know anything and I don't want to know anything either." That was all that I heard about this matter.

Q Was anything said as to the nationality of the person who wore this combination suit?

A Never one word was said. That was strictly secret. But at that time Detmers had Faischein woke up at 11:30 at night and through Dr. Kahr's telephone, so somebody in this group must know what kind of people these were. It is not known to me.

Q You said that Fox told you that this was a flier's combination?

A He saw these people close up -- from closer -- and it was something with a zipper.

Q Now, you have previously identified the accused Koenig. Can you tell the court anything about Koenig?

A One instance I have already related, but there is something interesting about this man, and that is that Koenig did not beat in the face; the people had to stand at attention and he gave them a blow in their neck.

PROSECUTION: Illustrating with the edge of the palm of the hand with the hand open.

A (continued) That is the famous jiu jitsu man of Dora.

Q What happened to a person who was hit this way?

DEFENSE COUNSEL: I object to that, if the court please. If he has in mind some particular case and he can relate what happened to some

particular man, I won't object, but just to relate offhand what happened to some mythical person, I do object.

PRESIDENT: Will the reporter read back the question?

(Thereupon the question referred to was read by the reporter as follows:

"Question: 'What happened to a person who was hit this way?'")

DEFENSE COUNSEL: Ten different things might have happened to him.

PROSECUTION: I said, to a man who was struck this way, as he illustrated, with the edge of his open hand across his Adam's apple.

PRESIDENT: The objection is sustained.

Q Do you know of any particular case of a man who was struck across the neck that way by Koenig? Do you know of any case of a man who was struck that way?

A Yes.

Q What happened to the man that you know about that was struck that way?

A He couldn't swallow for a few days and probably -- and you cannot take an x-ray of the parts that are not the bone here -- these parts are not visible on an x-ray picture. I only saw hemorrhages but no fractures. I couldn't determine any fractures due to this fact that these parts -- these parts that are not bone -- are not visible.

Q Have you anything to add about Koenig?

A No.

PROSECUTION: May I suggest a recess, sir.

PRESIDENT: The court will recess until 1330.

(Whereupon the court recessed at 1200 hours.)

(Afternoon the court reconvened at 1355 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all the members of the court are present; the prosecution and defense are represented by counsel; all of the accused are present; the reporter and interpreter are present. At the end of the last session the witness Cospiva was still under direct examination.

PRESIDENT: May I interrupt just a minute? This has nothing to do with this, but Major Foullada, have prosecution Exhibits 32, 33, and 34 been shown to the accused? Those are the death books.

ASSOCIATE COUNSEL: Yes, Sir, they have. I should like to announce for the record that they have been shown to the accused and have been examined by all of the accused.

JAN COSPIVA, called as a witness by the prosecution, resumed the witness stand, and being reminded that he was still under oath, testified further through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q I believe, Doctor, at the end of the last session you had finished telling the court what you remembered about the individual accused, is that correct?

A Yes.

Q Now, you went on a transport. I want you to tell the court what happened on that transport, but only that portion of it which affects any one of the accused or in which any one of the accused are involved.

A The transport leader of our transport from Nordhausen, Mora to Osterode was Koeser. Among other men I know Keller, but he is not here.

Q Only about those who are here today, Doctor.

A And I cannot remember if anyone of those people here were present on our transport because I came from the bunker and I had to hide out within

the transport until it reaches Tettenborn. Daily in Illmen we had to stand for about 24 hours. We were standing around there for a long time. I was aroused and that I should be because there was a locked railroad car there which had insane people. I only looked in there and I was chased away immediately by a prisoner and an SS man. In there there were people that were dead and a few of them were still alive. Their eyes were sort of sticking out, and they had an expression of mentally insane, and the SS men told me they were cannibles, but no did not tell me that these people had not received anyt ing to eat or drink for many days. I went back to the transport and went by train to Tettenborn. In Tettenborn Woman Drumg came to me and told me that on the route further up there were fliers up there, and in case of an attack I should act as a surgeon in this transport. I told him that Boeser knew that I had gotten out of the bunker illegally. He said he would straighten it out with him and he gave me a white brassard with a stamp on it. That meant that the SS men were not to shoot at those people who had white brassards. The order from Boeser was, and this was publicly announced, that the SS men were going to shoot at everyone without challenging him who is getting off a railroad car. I checked the whole train in Tettenborn and saw that in the car next to the last one there were dead people in there, and it was also reported from the third or fourth car from the front that people had died there, and whether they could unload the corpses. But this request was not granted. In Tettenborn the next night between 2 and 3 o'clock I heard shootings. I slept there with Karpik. In the front part of the railroad car there were three SS men from the security company and the heavy-set SS Tech Sergeant—I don't know his name—and Karpik brought along into this railroad car two bandages and medical instruments. I slept on these boxes. On account of the shooting I woke up and I heard the yells, "Look up the train! Look up the train, nobody is to leave the train, not even the people with white armbands!" The next day in the

Hermin Brunn came to me and told me I should go into the woods 4 or 5 to 60 paces from there and find a place there to bury the people. The place had to be dry and should not be near by a spring. In Lettenborn I wanted to run away, but the transport leader sent an SS man over to me and together with him I found this place. When I came back to the train near the third or fourth railroad car figuring from the front there were 26 corpses laid out, and all those that I had in my hands and buried, they all had been shot. There were shots. There were people that had shots in the stomach, shots in the head, and also injured limbs. They died on account of bleeding to death. I did not see any more corpses because I was not allowed to go into the railroad cars. In Lettenborn. After some time when the air raid was over in Lettenborn we rode to Osterode by way of Hersberg approximately 300 or 500 meters before we came to Osterode we stopped in a valley. Moser had received the news that the railroad tracks ahead of us had been destroyed, and that the repair work would take at least two days. He gave an order to go on foot over the Harz to Goslar by way of Ehrsthal-Zellerfeld. An order was given to form marching columns of a hundred men and to start marching immediately. I jumped from my railroad car and went over to Brunn and told him that in this train there were 600 people that could cover at the most 10 kilometers a day, and that there were also people in the transport who could not walk at all. There was a meeting of the leaders in Osterode, and there it was decided that I should pick the people from the marching columns who could not march. At this time everything among us was all confused, and the American fliers were already above us, and had sent marching columns already. Above Osterode two flares were shot off by the fliers. From this moment on without any order, the first marching columns started out. There were lots of yells. The march columns were being beaten, and they had to run on the double through the village of Osterode. The prisoners who were still in the railroad cars didn't know what was up. And then at this time

(Captive-Direct)

it was the first time that we heard a 15 centimeter cannon. The railroad cars were opened by [illegible] man. An order was given in German to start forming the columns of manned men and start forming in the front. Nobody interpreted this or any similar order even though they were Germanman, Belgians, Russians, and Poles. Many people jumped off the railroad cars earlier than their turn was on, and immediately Loeser gave an order to shoot to kill. In Osterode 32 people are buried on the slope of the railroad embankment, and also those people were shot who went out of the march columns, wanted to get a drink of water from a ditch on the center of the railroad track. We were hungry and we were very thirsty, and also all those people that went to the ditch were shot upon the order of Loeser. In Russian and in Polish I hollered out that all those people that could not march are to remain in the railroad cars; that their front lines could at the most be 20 kilometers away from Osterode, and I also interpreted to them that all those people that became unable to march on the march would be shot. After I had stated all that, many of the people went back to the railroad cars. At the same time from a Hungarian hospital which was above and to the left of Osterode, from that direction came an American reconnaissance plane and everybody ran away. In this mix-up I disappeared in an estate on the left of the railroad tracks together with Dr. Groenveld, the medical student, Inzir Aepletel, and a Czech by the name of Ioban, a clerk in the dispensary.

As the SS men had left, I returned to the train and there I found 32 people that had been shot. Two of them were about twenty meters behind the last car on the railroad train, probably shot during attempted escape. All of the administration, one SS corporal remained there together with a Czech comrade whose name is Vliepera. From this moment on I only saw two SS men leave the train. One was Captain Sell, who was drunk and had a machine pistol with him. He wanted to shoot the whole transport, he wanted to liquidate it. But many healthy people remained with this transport. All of a sudden he disappeared and did not return. I came with Paul Wichert to the military office at Osterode to report there and there introduced myself as a Czech officer prisoner escaping, and that I was to report officially that over 400 sick and weak prisoners had remained at the railroad station. And I offered myself to him as a hostage.

Q Now by that time you were through with everybody in this case, is that right?

A Yes.

PROSECUTION: Your witness.

DEFENSE COUNSEL: If the court please—

PRESIDENT: Col. Herman, I would like to ask at this time, in the testimony of this witness, and I believe one of the preceding ones, there have been references to a town of Tettenborn and Wettenborn. Tettenborn is shown as No. 24 on that map over there.

PROSECUTION: I will ask a question, sir, to clear it up.

Q During the course of this trial, Dr. Cespiva, there has been reference to a Tettenborn and also a Duttenborn. Are they one and the same or are they different?

A I am only saying it phonetically, I did not read the spelling on the railroad station. I only say it the way I heard it.

INTERPRETER: I believe we can perhaps stipulate.

PROSECUTION: We can stipulate it is the same town.

PRESIDENT: Do you so stipulate?

DEFENSE COUNSEL: We do.

PROSECUTION: So does the prosecution.

PRESIDENT: The stipulation will be accepted.

DEFENSE COUNSEL: If the court please, at this time a point has been reached in this case and it would be greatly advantageous to have an opportunity to confer with our clients and prepare our defense, and probably some of its witnesses who are beginning to arrive, and we would respectfully request the court to adjourn until Monday morning.

PRESIDENT: Does prosecution object?

PROSECUTION: Why, sir, I do not feel I have a right to object to anything the defense can reasonably request. I can imagine they have got a lot of questions that they want to ask this particular witness.

PRESIDENT: The court will recess until nine o'clock Monday morning.

(Thereupon the court recessed at 1410 hours until 0900 hours Monday, August 25, 1947.)

DEFENSE COUNSEL: I believe we can perhaps stipulate.

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MILITARY GOVERNMENT COURT

Volume 12

CASE RECORD

Pages 798 - 807, Incl.

CASE NO. 000-50-37

PROSECUTOR Lt. Col. H. Berman

*SUMMARY
ANTED EDIATE MILITARY COURT
GENERAL

DEFENSE COUNSEL Major L. Faullaca
Capt. Major
Alon Glasslas

INTERPRETERS Sebastian Krol
Alois A. Moore
Peter A. Sicurti
Janice E. Wasdorff
Ludwig W. Wolf

PLACE Dachau, Germany

DATE 25 August 1947

WITNESSES

Dr. JAG Section

ACCUSED A.T.G. Weiss Andreas, et al

ADDRESS SEX AGE

FIRST CHARGE SECOND CHARGE

PLEAS

FINDINGS

PREVIOUS CONVICTIONS

IMPRISONMENT (TERM
(
(BEGINNING 194

SENTENCE

FINE AMOUNT
TO BE PAID BEFORE 194
FURTHER TERM OF IMPRISONMENT

CHARGE SHEET AND RECORD OF TESTIMONY ARE ANNEXED HERETO.

SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY

SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

RECORD OF TESTIMONY

in trial of

THE UNITED STATES Versus ATSUSHI NAKANO, et al

by

GENERAL MILITARY GOVERNMENT COURT

tried at

DACHAU, GERMANY BEGINNING 7 AUGUST 1947

26 August 1947 Pages 796 - 867, Incl.

TESTIMONY

WITNESS	Direct	Cross	Redirect	Recross	Court
Dr. JAN CESKIVA		796			

pld-118-1

MORNING SESSION

(Thereupon the court reconvened at 0900 hours 25 August, 1947.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all members of the court are present. The prosecution and defense are represented by counsel. All of the accused are present, the interpreter and reporter are present.

At the end of the last session the witness Chespiva had concluded his direct examination.

PRESIDENT: The witness is reminded that he is still under oath.

DOCTOR JAN CHESPIVA, called as a witness by the prosecution, being duly reminded that he was still under oath, resumed the stand and testified further through an interpreter as follows:

PROSECUTION: Before, may it please the court, the cross examination begins the prosecution would like to officially challenge the interpretation which has been given in this case to date of a German word. "Adjutant". It has been translated "Adjutant". The prosecution is informed that the official translation and the correct translation of the German word "Adjutant is the "executive officer". The German equivalent of our "Adjutant" is the German word "Ordnance Offisier" and I would like to have the court call on the interpreters to state whether the prosecution is correctly informed or not.

May I add something. We are not only informed about the correct translation as I have indicated, but we have also been informed that the duties of "Adjutant" in the German Army are equivalent to the duties of an executive officer as known in the American Army and the duties of "Ordnance Offisier" are equivalent to the duties of an adjutant as known in the American Army.

DEFENSE COUNSEL: If it please the court, the defense counsel has no quarrel with the terminology. We are not interested in terminology. We are much interested, of course, in the duties and functions of these various people. However, in all fairness to the accused, since a mistrans-

lation of a term might substantially prejudice their rights the defense would like to have an opportunity to look into this and to get some other opinions as to the correct translation of these terms before we have a courtruling on it.

PROSECUTION: The prosecution, of course, has no objection to giving the defense all the opportunity possible to checking the interpretation, however, at this time I should like to have the court, and I so request that the court call on the interpreter for the official interpretation and, of course, conceding that the defense would have a right later on in the course of the trial to challenge that official interpretation.

PRESIDENT: The court would like to ask the interpreter for the official translation of the term "Adjutant".

INTERPRETER: The official translation of the term "Adjutant", the German "Adjutant" is "executive officer", as far as their duties are concerned.

PROSECUTION: Will the court also ask for the equivalent of the American adjutant?

PRESIDENT: What is the equivalent in German of the American term "Adjutant"?

INTERPRETER: The equivalent of the American term "Adjutant" in German is "Ordnance Offizier" as far as the duties are concerned.

PRESIDENT: The definition given by the court interpreter will be noted and for the balance of the trial the German word "Adjutant" will be translated as the Executive officer and the American word "adjutant" will be translated as "Ordnance Offizier". All of this is subject to the right of the defense to introduce a challenge at a later time if he so desires.

Cross examination will proceed.

CROSS EXAMINATION

QUESTIONS BY DOCTOR HERZEN:

Q Doctor Cespiva when did you see the accused Valenta for the first

time? Was that before you were taken into custody or after you were taken into custody?

A Shortly before my being taken into custody.

Q Where did you see him then?

A When he went into the bunker.

Q Do you want to say with that as he was personally going into the bunker?

A That I can't remember exactly with whom he went.

Q Did you see him prior to this in Camp Dora?

A No, that I can't remember.

Q Did you also see him in the bunker?

A Yes.

Q Where did you see him there for the first time in the bunker?

A He came into my cell.

Q When was this approximately? How many weeks after you were arrested or how many days after you were arrested?

A When he came to me that was the beginning of January, 1945.

Q The first acquaintance that you made with Valenta was it then when he brought you the letter from Chalupka?

A No.

Q During which occasion had you met him before that?

A That was during this occasion when he came to me.

Q Why did he come to you at that time into the cell?

A At that time I was in solitary confinement in Cell number 8 and my predecessor had left newspapers there, something to smoke. That is a little bit of tobacco with newspaper. Valenta searched the cell to see if there wasn't a pencil or some matches. Then he took the newspapers and tobacco away.

(Conpiva-cross)

Q Do you have knowledge of the activity of Kalenta in the bunker? What were his duties there?

A During my time in the bunker he did not distribute food. That was another Czech prisoner by the name of Jaroslav Melmuka. Kalenta was present during interrogations together with Sander, Buehring, Goebe and Hasser and he also had an interpreter from the German into the Russian language which he didn't know very well. He cannot speak Russian and I was personally present when he made a false translation and that cost the life of these people. I told Buehring and Sander that it is necessary that we have a German, Russian interpreter in the bunker as many people will lost their lives otherwise, and I was almost beaten to death due to my remark.

Q You said at first that Kalenta did not distribute the food. Did he do that later on?

A I never saw this.

Q Isn't it a fact that Kalenta had to do clerical work in the bunker?

A During my period I never saw that.

Q But Kalenta brought you a letter from Chalupka is that correct?

A Yes.

Q Did Kalenta often bring you letters?

A Only once and that was the letter of Chalupka.

Q Is it not a fact that Kalenta was not permitted to do a think like this to bring you this letter from Chalupka?

A That was his duty. He was to bring the prisoners the letters containing proof against them. Those letters were written under force, under duress and that was done through two methods. In the prisoner's language one of these methods was called "sweet tour". What means he did this through being friendly with the people. He told them that he was an orderly and that they would receive food and then he said, "you can send

(Cospiva-ercss)

the most i portant information through me to such and such a one, if you want to, in writing." Then he would give the letter to Sander. That cost the lives of many people.

Q Were you present during such conferences where this method was discussed?

A Three times and I was the first one. The second was Kremsberg, Gustav in my cell and the third one was Johann Chalupka. With him I spoke. Kalenta will remember this incident. When Chalupka repaired the motorcycle of Sander in the corridor of the bunker. At that time Chalupka, when I went to the latrine, said to me, "Kalenta is a crook, never write anything to me."

Q Was Chalupka a prisoner as well?

A Yes.

Q Was Chalupka also locked up in the bunker?

A Yes.

Q But when Chalupka spoke to Kalenta you were not present?

A No.

Q So you know this from Chalupka?

A Yes.

Q You don't know it of your own knowledge?

A I heard it from myself and Kremsberg and from Chalupka I know it. For a logical thinking person that is sufficient.

Q You say that Kalenta, in fact, went around in civilian clothes, in a hat and a tie without a prisoner number, is that right?

A Yes.

Q Did you personally see him so?

A I personally saw him and here are 800 addresses of Czechs who saw him that way.

Q You believe that Kalenta in this manner of dress was an organizer of a secret organization?

(Cooper-cross)

A Yes.

Q In this suit didn't he look in any way noticed by all the prisoners?

A You must remember that when he did this dirty work he was still running around the camp with a number. He was in an elegant suit, but he was with a number. When he had completed his dirty work and a hundred people had been hanged then he came in the camp in an elegant suit with a green hat, with a tie and without a number and he laughed at all the people.

At this occasion he had a controversy with the camp eldest. I was personally present when he reported to Sander that a prisoner by the name of Krung had stopped him and asked him, "How is it possible that a prisoner runs around the camp without a prisoner number." Sander told him, "You are not a prisoner anymore. That is not my business. I will take care of the matter." He will remember that--Valenta. That was at the time that SS First Sergeant Hohorn interrogated me. The Russian interpreter was standing there. This young Russian from Cell 3 and Gustav Krung and Goebe were there. That was shortly before the evacuation. That could have been in the period of 20 of March until the end of March--this story. At that time he was not sleeping in the bunker. He moved to Gestapo Office, Niedersachswerfen and there he had a room. I know this from Chalupka and a prisoner by the name of Minister who were working in Niedersachswerfen. Chalupka working on the repairs of automobiles and motorcycles and Minister had already been released from the bunker and was cleaning up there.

Did you personally arrest Valenta in the camp

A I believe so, but I don't remember exactly where.

Q After your arrest, did you come back to the camp again?

A Very often.

Q During which occasion?

A To go to the camp and to show them where we had hidden things or to the orderly room if they wanted to know the exact name of some prisoner, or to the delousing station. And Valenta had such great power that he could arrest somebody. That is probably noticeable even to the attorney. What happened with somebody in my dispensary. He wanted to arrest my assistant, and a prisoner by the name of Polak, who will probably be a witness after me, spoke to him and requested him that he should not take this assistant Potelitzky, because he didn't know anything about this rebellion. And after the liberation Potelitzky told me this together with Polak. Then it happened that Valenta came alone without an SS escort together with one of the Intelligence leaders of the prepared Russian rebellion, went to the dispensary and wanted to know from Hans Schneider, a capo who, I am sorry to say, is dead already -- they shot him on the very last day -- that the capo Hans Schneider should give poison to Nikolai Petrenko; and Hans Schneider was to fall into this trap. Nikolai Petrenko didn't receive anything at that time but returned. Since that time I personally hardened him alone in the barber and he told me this.

Q After the rebellion took place, in connection with this, you abandoned Valenta, is that correct?

A Yes.

Q Did Valenta's wound originate from a blow?

A Probably. Very probably.

Q At the time that you abandoned Valenta, was the door to the corredor open?

A What door are you talking about? From the interrogation room to

the corridor?

A Yes. It is correct that you indicated Valenta in this interrogation room?

A Yes.

Q And this door was open?

A Yes.

Q And isn't it a fact that this Russian, Simeon Grinko, was only shot later?

A That is impossible. I was living together with Simeon Grinko in close friendship practically one year. In the summer of 1944 I wanted to escape together with Simeon Grinko. I fed him for almost an entire year, and we wanted to defend ourselves -- we were preparing a defense in the event that toward the end we were to be liquidated. That is why I know Simeon Grinko very exact; and that was my duty as a comrade; it was my matter. That is why I searched for Simeon Grinko among the dead, and I found him. Here I can show that (proceeding to wall chart). This is the position of Simeon Grinko (indicating) at the foot of the steps, with his --- Here is where Simeon Grinko was lying (indicating), and I bandaged him here at this table (indicating), and the dead who were lying here and here (indicating) were laid out here, this way (indicating).

DR. RENNER: Let the record show that the witness pointed to a place on Prosecution's Exhibit D-31 that is designated with the writing in pencil "Grinko, Simeon."

PROSECUTION: And also, may it please the court, he indicates he found the body in the so-called Interrogation Room at the point indicated by closely drawn lines which he said previously meant the staircase.

Q Is it possible that Valenta became unconscious as a result of the blow he received?

A One moment. Who should have given him this blow? If this cross examination were in my native tongue, you could be sure that I would be

the corridor?

A Yes. It is correct that you handcuffed Walenta in this interrogation room?

A Yes.

Q And this door was open?

A Yes.

Q And isn't it a fact that this Russian, Simeon Grinko, was only shot later?

A That is impossible. I was living together with Simeon Grinko in close friendship practically one year. In the summer of 1944 I wanted to escape together with Simeon Grinko. I fed him for almost an entire year, and we wanted to defend ourselves -- we were preparing a defense in the event that toward the end we were to be liquidated. That is why I know Simeon Grinko very exact; and that was my duty as a comrade; it was my matter. That is why I searched for Simeon Grinko among the dead, and I found him. Here I can show that (proceeding to wall chart). This is the position of Simeon Grinko (indicating) at the foot of the steps, with his --- Here is where Simeon Grinko was lying (indicating), and I bandaged him here at this table (indicating), and the dead who were lying here and here (indicating) were laid out here, this way (indicating).

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A One moment. Who should have given him this blow? If this cross examination were in my native tongue, you could be sure that I would be

able to give a diff rent answer.

Q Yes. May the record state, please, that the Czechoslovakian interpreter here.

A For this case -- for reference, I want to have this translated exactly.

Q You have just stated that the wound that Valenta had originated from a blow, is that correct?

A Yes.

Q Is it possible that Valenta, as a result of this blow, became unconscious?

A That is not probable, and from my medical --- I will say this in Czechoslovakian. According to my medical experiences and knowledge during the course of 15 years, I am only state that such a bruise could not produce unconsciousness of a human being. That is very easily possible, and very easy, to prove because Valenta's head is here. There must be some trace of the wound present because if it would be a wound of the skull with a resulting injury to the brain it would be possible today to prove it through x-ray.

Q Is it always necessary that if somebody becomes unconscious that the brain is injured?

A According to the latest results, a brain concussion is always an injury to the gray matter which can be determined by a microscopic examination.

I asked you if it were possible that Valenta could have become unconscious as a result of the blow?

A That was a superficial bruise.

Q But after your examination you were able to establish that it originated from a blow?

A Yes.

Q Later on, did any of the prisoners tell you about the way the

(CESTIA-Frons)

rebellion took place?

A I heard this from the following people: and, for instance, Walenta; second, from Max Deckert -- that was an S man who at that time was on duty in the bunker; third of all, from Jaroslav Melmuka -- that was a Czechoslovakian; and from Jumbo.

Q You also mentioned a name "Alexejev." You also stated that Alexejev was liquidated and that in the files it was stated that he had died in the camp. Do you know which doctor signed this death certificate?

A That I don't know.

Q Where did you see where this was written?

A Here in the prosecution room I looked at the death lists, the death files, and there I saw the name Alexejev as dead in the camp. That, for me, was a surprise.

Q With other words, you didn't see it there in Dora but here in Dachau?

A Yes.

Q At that time Walenta, who, in your opinion, was a civilian employee -- did he have a weapon?

A I never saw the weapon and I never heard from anybody that he could carry a weapon.

Q Did the SS and the Gestapo people who were employed in Dora carry a weapon?

A You must excuse me, but openly, on the outside of their coats, nobody carried any weapons, and I never have been shot. In this event, about my liquidation somebody else would have to testify.

Q I did not ask you about your liquidation, but I only asked you whether Deckert, Richen, Sander, Goebe, and Buehring carried weapons.

A They carried weapons on duty.

Q Is it not a fact that Richen had a machine pistol?

A Never.

Q Did you come into the room of Eckert or Eichon?

A I was -- In the room of Eichon I was beaten often, and every blow nailed into my memory everything that I saw very well. I know till today that the address of Eichon, his wife, was Leiser Goethe Strasse 16, and I only saw the letter once.

Q Is it not a fact that Eichon, during this rebellion, shot with a machine pistol?

A That is foolishness.

Q Why?

A Because all the people in the bunker -- you know yourself that if you are not a soldier, how this looks. Not really, if you have been sitting in a concentration camp for several years and know the machine pistol very well and you have had such experience, and then you know that individual shots can never originate from a machine pistol but that these shots come out as a salvo, or it is possible with a machine pistol Mauser, spelled M-A-U-S-E-R, Number 40 to shoot individual shots, ut during this rebellion if I would have had a machine pistol I would have shot immediately with the automatic and not with the individual, manual shots.

Q With other words, if I understand you correctly, there was not a salvo from a machine pistol but there were individual shots?

A Individual shots.

PRESIDENT: The court will recess for 20 minutes.

(Thereupon the court recessed at 1000 hours.)

(CERPIVA-Cross)

Tk 11A-Nordhausen-5/28/47-1

(Hearing the court reconvened at 1 [illegible].)

[illegible]: The court will come to order.

[illegible] Let the record show that all the members of the court are present; the prosecution and the defense are represented by counsel; all of the accused are present; the reporter and interpreter are present. At the end of the last session the witness, Cospiva, was under cross examination.

PRESIDENT: The witness is reminded he is still under oath.

DR. JAN COSPIVA, called as a witness by the prosecution, resumed the witness stand, and being reminded that he was still under oath, testified further through an interpreter as follows:

DR. RENNER: Cross examination for the accused, Andrae.

CROSS EXAMINATION

QUESTIONS BY DR. RENNER:

Q Did you often see the accused, Andrae, in his place of duty, the post office, often?

A Yes.

Q Did you know exactly the place where the post office was located?

A Yes.

Q From which side did one enter the post office?

A What does that mean "enter"?

Q Where was the entrance to the post office?

A First of all, the post office was in the prisoners' main orderly room on the right of the roll call field, and it was the first door to the right from the entrance to the main prisoners' orderly room. Later on the post office was placed in the block leader's room to the right of the exit of the camp.

PROSECUTION: I request that the answer be repeated.

INTERPRETER: Later on the post office was placed in the block leader's room.

PROSECUTION: No. "In the so-called block leader's room".

Tr 11[illegible]-Nuremberg-8/26/47-1

(Recess: the court reconvened at [illegible])

PRESIDENT: The court will come to order.

PROSECUTOR: Let the record show that all the members of the court are present; the prosecution and the defense are represented by counsel; all of the accused are present; the reporter and interpreter are present. At the end of the last session the witness, Cespiva, was under cross examination.

PRESIDENT: The witness is reminded he is still under oath.

DR. JAN CESPIVA, called as a witness by the prosecution, resumed the witness stand, and being reminded that he was still under oath, testified further through an interpreter as follows:

DR. EXNER: Cross examination for the accused, Andrae.

CROSS EXAMINATION

QUESTIONS BY DR. EXNER:

Q Did you often see the accused, Andrae, in his place of duty, the post office, often?

A Yes.

Q Did you know exactly the place where the post office was located?

A Yes.

Q From which side did one enter the post office?

A What does that mean "enter"?

Q Where was the entrance to the post office?

A First of all, the post office was in the prisoners' main orderly room on the right of the roll call field, and it was the first door to the right from the entrance to the main prisoners' orderly room. Later on the post office was placed in the block leader's room to the right of the exit of the camp.

PROSECUTION: I request that the answer be repeated.

INTERPRETER: Later on the post office was placed in the block leader's room.

PROSECUTION: No. "In the so-called block leader's room".

Tk 11A-gms-Nordhausen-3/25/47-2

I ask that the answer be repeated, may it please the court.

THE WITNESS: And later on the post office was placed in this block of the administration at the right of the exit. (Indicating.)

DR. MARKS: Please show it.

THE WITNESS: First, the post office was in the prisoners' orderly room near the roll call field. (Indicating.)

DR. MARKS: Let the record show that the witness indicated the first camp building to the right adjacent to the camp street.

THE WITNESS: I believe this was the orderly room. (Indicating.)

DR. MARKS: And that the witness now points to a building which is somewhat to the north.

THE WITNESS: And at the end the post office was in this building to the right of the exit or to the left of the entrance. (Indicating.)

DR. MARKS: Let the record show that the witness has indicated a building which on Prosecution Exhibit 1-22 is designated by the words, "Protective Custody Camp Leader". And the post office?

THE WITNESS: And it most certainly is part of this block. (Indicating.)

DR. MARKS: Let the record show that the witness has pointed to a part of the building which is indicated by an arrow on Prosecution Exhibit 1-22.

THE WITNESS: From here to here was where the post office was. The window of the post office was turned around toward the camp on the southern roll call field. And from here is where the packages were called for, from this window. (Indicating.)

DR. MARKS: Let the record show that the witness indicated that spot of this building which has been indicated by the two arrows, and that side which is turned toward the camp.

QUESTIONS BY DR. MARKS:

Q Was there also a door on the side toward the east?

A No.

Tk 11A-gms-Nordhausen-3/25/47-2

I ask that the answer be repeated, may it please the court.

THE WITNESS: And later on the post office was placed in the block of the administration at the right of the exit. I can show it.

DR. RAKOV: Please show it.

THE WITNESS: First, the post office was in the prisoners' orderly room near the roll call field. (Indicating)

DR. RAKOV: Let the record show that the witness indicated the first camp building to the right adjacent to the camp street.

THE WITNESS: I believe this was the orderly room. (Indicating)

DR. RAKOV: And that the witness now points to a building which is somewhat to the north.

THE WITNESS: And at the end the post office was in this building to the right of the exit or to the left of the entrance. (Indicating)

DR. RAKOV: Let the record show that the witness has indicated a building which on Prosecution Exhibit C-22 is designated by the words, "Protective Custody Camp Leader". And the post office?

THE WITNESS: And it most certainly is part of this block. (Indicating)

DR. RAKOV: Let the record show that the witness has pointed to a part of the building which is indicated by an arrow on Prosecution Exhibit C-22.

THE WITNESS: From here to here was where the post office was. The window of the post office was turned around toward the camp on the southern roll call field. And from here is where the packages were called for, from this window. (Indicating)

DR. RAKOV: Let the record show that the witness indicated that spot of this building which has been indicated by the two arrows, and that side which is turned toward the camp.

QUESTION BY DR. RAKOV:

Q Was there also a door on the side toward the east?

A No.

Tk 11A-gms-Nordhausen-1/15/47-2

I ask that the answer be repeated, may it please the court.

THE WITNESS: The letter of the post office was like in the block of the old administration building to the right of the exit. I can show it.

DR. [illegible]: Please show it.

THE WITNESS: First, the post office was in the prisoners' orderly room near the roll call field. (Indicating)

DR. RAU: Let the record show that the witness indicated the first camp building to the right adjacent to the camp street.

THE WITNESS: I believe this was the orderly room. (Indicating)

DR. RAU: And that the witness now points to a building which is somewhat to the north.

THE WITNESS: And at the end the post office was in this building to the right of the exit or to the left of the entrance. (Indicating)

DR. FAHLE: Let the record show that the witness has indicated a building which on Prosecution Exhibit -22 is designated by the words, "Protective Custody Camp Leader". And the post office?

THE WITNESS: And it most certainly is part of this block. (Indicating)

DR. RAU: Let the record show that the witness has pointed to a part of the building which is indicated by an arrow on Prosecution Exhibit -22.

THE WITNESS: From here to here was where the post office was. The window of the post office was turned around toward the camp on the southern roll call field. And from here is where the packages were called for, from this window. (Indicating)

DR. RAU: Let the record show that the witness indicated that part of this building which has been indicated by the two arrows, and that side which is turned toward the camp.

QUESTION BY DR. RAU:

Q Was there also a door on the side toward the camp?

A No.

Q In other words, there was only a window there?

A There were many windows there but one of those windows, the window the most to the right, was the window of the post office.

Q If I understood you correctly then, there was only one window from the post office into the camp?

A No.

Q There--there were windows from the post office toward the camp?

A There were barred windows and there was a collection point. There was the room next door--the whole room next door, and that was the so-called office.

Q And all those windows were barred with the exception of one?

A I don't believe all of them. One had a board--such a board (indicating), and from this window, the so-called room services and block eldest called for the packages for their blocks.

Q How high approximately was this window from the ground?

A The same as all the windows in this block.

Q And how high were all these windows from the ground in this block?

A The same as all the windows in the so-called barracks of the Reichs Labor Service.

Q Can you indicate the height in centimeters approximately?

A It could have been about this high, and it is possible a little lower. (Indicating).

DR. [illegible]: Let the record show that the witness indicated a height of about one meter.

[illegible]: Approximately one meter 20, let us say.

Q QUESTIONS BY DR. [illegible]

Q Could the prisoners also enter the post office?

A Naturally.

Q What was the way in which the prisoners had to take if they wanted to enter the post office?

A I only like to show that the prisoner was required to go into the so-called post office, or to report to the guards at the exit, at the window to the right. (Indicating.)

DR. SEEMANN: Let the record show that the witness pointed to a place on Prosecution Exhibit P-22 which is designated as "entrance".

THE WITNESS: To the right at this street here there was a window, and that is where the prisoner had to report. (Indicating.) That means prisoner number so and so out at the gate. Then to go around the corner, and at this point there was an entrance into this block leader's dock. (Indicating.)

DR. SEEMANN: Let the record show that the witness pointed to a spot on Prosecution Exhibit P-22 which is on the side of the building, where it says "Protective Custody Camp Leader", and he indicated that point where the word "Protective" is shown to the "t".

THE WITNESS: And in the center of this block there was a door. Opposite it was the entrance. There was the former bunker with windows toward the roll call field. The prisoner had to turn to the right, walk along the corridor and toward the end; at the end of the building was the post office.

QUESTIONS BY DR. SEEMANN:

Q Could every prisoner at any time enter into this post office?

A No, that would have been very good, but it was impossible.

Q Is it not a fact that this happened very rarely and that permission had to be granted by the camp leader?

A I request a Czech translation of this.

(Thereupon the interpreter translated the last question into the Czech language.)

THE WITNESS: No, that is not true.

QUESTIONS BY DR. SEEMANN:

Q What formalities were necessary if a prisoner wanted to enter the post office?

(Cooper-Gross)

A It was sufficient if Andrea had called or he somebody searched for, he should report to the post office. He reported to this window, and if he was supposed to enter, he had to report to the so-called "Exit", and "Entry" service window. The SS man who was on duty on the outside controlled to see that he went directly into the leader's block and that was sufficient.

Q That which you have just described was the case if Andrae had called somebody, is that right?

A Yes.

Q What was the procedure if a prisoner of his own accord without being called wanted to go to the post office?

A In this case for the most part he was beaten.

Q You don't understand my question, which formalities did the prisoner have to comply with if he had wanted to go to the post office even though he hadn't been called there?

A It was sufficient if he reported to his block leader or his detail leader that he had some matter to settle at the post office. The SS men would speak with Andrea, and he either refused it or had him called.

Q In Dora did you have a so-called place of censorship?

A Yes.

Q Who was employed in this place of censorship?

A That I don't know.

Q Were there SS people employed there or also prisoners?

A I don't know, but it would be foolish if a prisoner were to control or censor the letters from such a secret production and not the SS men.

Q During the working time, did you ever come to the post office?

A Yes.

Q Did you see what people were employed in the post office?

A Yes.

A It was sufficient if Andrea had sent for or called or he was to study searches for, he should report to the post office. He reported to this window, and if he was supposed to enter, he had to report to the so-called "Exit", and "Entry" service window. The SS man who was on duty on the outside controlled to see that he went directly into the leader's block and that was sufficient.

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A I don't know, but it would be foolish if a prisoner were to control or censor the letters from such a secret production and not the SS men.

Q During the working time, did you ever come to the post office?

A Yes.

Q Did you see what people were employed in the post office?

A Yes.

Q What people were there?

A [illegible], Jean Jacques Weber.

Q Was that a prisoner?

A A prisoner.

Q Were there more prisoners employed there?

A More prisoners, but I don't know them.

Q How many approximately were prisoners?

A I saw 3 or 4 prisoners there.

Q And what did these prisoners do there?

A That I didn't see; I was only there a few minutes.

Q Was it known to you that the prisoners could not have certain things sent to them to work?

A Yes, for instance, arms.

Q Do you know of any other things that could not be sent?

A Alcohol.

Q Isn't it a fact that in spite of this prohibition that nevertheless alcohol, explosive matter, and poisons were sent to Dora in these packages?

A The weapons I didn't see, and I also didn't hear.

Q But I didn't speak about weapons, I spoke about explosive matters, poisons, and alcohol.

A In an important moment an explosive can be a weapon.

Q I asked you that in spite of the prohibition that in the packages such things were also contained?

A I didn't say that, but it is highly possible.

Q Is it known to you that various medicines were sent to Dora which had the inscription "Baldrian" or "Hoffmann's Tropfen" which were then found to be alcohol?

A That I don't know that all liquids including Tonicum Dorus which came from Switzerland, a tonic not containing alcohole-

(s it true to y [illegible] of liquids w[illegible] alcohol into th[illegible]

A It is possible.

Q Did you ever hear anything about the fact that the prisoners engaged in many barter businesses in Camp Dora with the civilian employees?

A I request a Czech translation.

(Whereupon the interpreter translated the last question into the Czech language.)

THE ARTNESS: That seems suspicious to me. I don't know what a civilian could buy from such a prisoner who was dying from hunger and who was clothed in rags.

QUESTION BY DR. EKARSR:

Q Isn't it known to you that the prisoners attempted to change civilian clothes in order to be able to escape later?

A In the camp there were opportunities of obtaining civilian clothes officially, but toward the end the civilian clothing was marked with a cross or with the sign "Concentration Camp" just like here the "[illegible]", and the first thing that I would do if I wanted to attempt to escape, I would try to find some sort of an eradicator and I would remove these marks with this eradicator and I would escape, and I certainly wouldn't trust a civilian and tell him, "You have to bring me clothes so that I can escape" if I would think logically.

Q Isn't it necessary for an escape to have money?

A That was not necessary. For an escape, one first of all needed courage, and it was possible to obtain civilian clothes on the outside because there were many Germans who were opposed to the SS.

Q Isn't it known to you that civilians were repeatedly punished in Dora for engaging in black market dealings with prisoners?

A Yes. There were such like Andrae which sold the bread of the prisoners for tobacco.

Q I spoke about civilians.

A Civilians, Yes.

Q And where did the civilians work together with the prisoners?

A In the tunnel.

Q They did not come into the camp then?

A Very few, but in the camp I have also seen civilians.

Q You stated that the packages for the most part were pilfered?

A Yes.

Q Who received these things?

A Not I, and I know very few prisoners who did receive the crumbs from these packages, and they were mostly spoiled already. First of all, the SS would have his Rudel, which had to be satisfied, and then the prisoners received the scraps that remained.

Q If a witness would come here and state that he personally gave an order as well that the contents of the packages were to be distributed to the prisoner, what would you say to that?

A This fact would have had to be known to me. It is possible that such a regulation existed, but it was sabotaged by thieves.

Q If, for instance, a witness would come here and state that he also gave an order that the contents of these packages were to be distributed to the women from the brothel, what would you say to that?

A When the brothel was constructed or installed in Dora, I was many months already behind the bars and in the hands of the Gestapo already, and if I would have lived in the camp at that time, I wouldn't have known much about this brothel.

Q I didn't ask you anything about the brothel, I only asked you about what would you say if a witness came here and said that it is an order that the contents of the packages were to be distributed to the brothel?

A If a prisoner would make such a regulation, it was impossible that a prisoner should make such a regulation. For as this prisoner is a ridiculous figure.

Q Do you know what regulations existed in connection with the contents of the packages for Andrae?

A That I don't know, but his activities in the post office I know very well.

Q The regulation, however, you do not know?

A I was never present during leaders' conferences, and that is an honor for me.

Q Did you ever see that Andrae from the contents of the packages ever took anything for himself personally?

A When I came to the post office there were heaps of oil sardines, biscuits, chocolate--it covered the entire room, which then disappeared, and it is not probable that Andrae alone ate all this.

Please answer my question. Did you ever see that Andrae ever took anything out of these packages for himself personally?

A No, he didn't invite me to this.

Q But you didn't see anything?

A No.

Q Then this is a conclusion on your part?

A Yes.

Q Who was the deputy of Andrae, do you know his name?

A That I don't know.

Q I am now referring to the incident in connection with the prisoner, the young Frenchman. You stated that the window of the post office was approximately one meter 20 from the ground/ Is that correct?

A Yes

Q Was there on the otherside, on the inside part of the window of this post office room a sort of a board?

A Yes.

Q How large was this board?

A Approximately 30 centimeters or something like that.

Q Is it possible that this board would have been 80 centimeters wide?

A It was not so wide.

Q Did you personally see the incident in connection with this young Frenchman?

A I received this Frenchman into my hands on the third day. He was afraid to report sooner and he believed that these pains would go away.

Q If a witness would come here and testify that Andrae was not the one who gave this young Frenchman this blow, but one of the block leaders, what would you say to that?

A Andrae was a known figure in the camp and I don't know why this Frenchman should tell me a fairy tale ifhe had confidence in me and had

come to me. That would be illogical for me.

Do you know the name of this young Frenchman?

I can't remember but there are people who treated him.

You stated that this young Frenchman went to the post office after roll call?

A That is what he told me.

When was the rollcall held in camp Dora?

A There was a period of time when there was no rollcall and it varied in winter and in summer.

When was this incident with the Frenchman; was it in winter or in summer?

A It was in late summer.

And when, at that time, was the rollcall?

A Approximately five or six o'clock.

And when was the post office closed?

A That I don't know exactly.

Approximately according to your opinion?

Approximately around this time, or after this time when the prisoners came to pick up their packages at the post office.

Weren't the packages called for daily? To a very definite room?

A That I don't know and it is possible, because we had to even go to the latrine on order.

Wasn't a prisoner sent daily from the dispensary to the post-office to pick up medicines there?

A I would like to have a translation.

(Whereupon Mr. Frankl, Czechoslovakian interpreter, translated it into the Czechoslovakian language for the benefit of the witness.)

A No, and we received ridiculous medicines from the post office; that is, several times it was aspirin and so on, and I learned that valuable medicinal products there were being held and they didn't know if

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A No, and we received ridiculous medicines from the post office; that is, several times it was aspirin and so on, and I learned that valuable medicinal products there were being held and they didn't know if

(Caspiva - cross)

it was poison or what it was. I reported this to the medical orderly with a
SS Sgt. Lorentz, and a few days later I went together/senior nurse, Ferdinand Karpik, to the post office and I made a suggestion that a prisoner doctor should decide which medicinal products were dangerous, and which should be sent to the dispensary. This was disapproved and at that time I saw cases full of sulfamides which we did not receive. It was written in French, it was a French or Swiss brand. I asked what was happening to these medicinal products and the reply was that they was cheating, that they contained either poison or sugar or even alkaloids and that this had to disappear out of the camp. At that time Ferdinand Karpik stole enough to fill his pockets and brought it along to the dispensary and that was no poison or sugar or any kind of other thing, they were sulfamides and cardiacs were heart products, that was Cardiasol in tablet form and in the post office I also saw ampules for injections and it was in clinical wrappings and we didn't see any of these things. In my opinion they must have either gone to the SS dispensary or they were destroyed, even though prisoners died due to insufficient quantities of medicine.

Q And at what period of time was this when you went together with Karpik to the post office?

A That was in the late summer or the beginning of fall.

Q And was Andrae in the post office at the time, or his deputy?

A Lorenz spoke to Andrae and Andrae will remember this conversation, probably.

Q Did you personally at that time speak to Andrae?

A No.

Q Well, Lorenz supposedly had this conversation. Isn't cardiasol at the same time also a poison?

A In the hands of a doctor it is not a poison.

(Cespiva - cross)

Q But the packages were not addressed to the doctor, they were addressed to the prisoners, isn't that correct?

A But a prisoner could not give injections and if a prisoner were to take the cardiosol in tablet form he would have to take these tablets for weeks and in large doses, so that eventually his heart would be exhausted and there was not—one package was not so large, it would not have been sufficient to cause heart failure, even if they were taken at one time.

Q But if there were more packages in one package?

A It would be dangerous to take several packages or doses of cardiasol at one time.

CROSS-EXAMINATION FOR THE ACCUSED DEMELER:

Q You stated that you were arrested on the second of November; is that correct?

A Yes, shortly before midnight of the second to the third of November.

Q And then you were immediately brought to the gestapo at Niedersachswerfen; is that correct?

A Not immediately. First of all we remained in the old bunker in the leaders' block, in the same block where the post office was but toward the front.

Q And then you were brought to the gestapo in Niedersachswerfen?

A Yes.

Q And from Niedersachswerfen you were taken to the Goelke caserne in Nordhausen; is that correct?

A Yes.

And Petmers was, according to your statement, there at that time?

A I stated for the record, and it can be found in the record, that I said that I never saw Petmers in the bunker, and since the second of November I was in the bunker.

Q But Petmers at the time that you were arrested, was still in

(Cespiva - cross)

Dora, wasn't he?

A On this day I didn't see him, and during my arrest I also didn't see him.

Q In other words, you were not interrogated by Betmers?

A Thank God, no.

Q What you know about the interrogations made by Betmers you know from others; is that correct?

A Yes.

Q Is a name of Schoeppenhauer, SS. Officer Schoeppenhauer, known to you?

A Do you have a picture of Schoeppenhauer?

Q No, I only asked you about the name; if you know the name.

A It is possible that I know him but the SS men did not introduce themselves, as is customary among social circles.

Q For instance, you also knew the executive officer Heinrich, who never introduced himself to you; is that correct?

A All this band we didn't know them by name. We only heard the name of the SS people when they were talking over the telephone, and if we saw their signatures, but never did Jacobi, for instance, come to me and say, "Dr. Cespiva, I am Jacobi, the handsome one."

Q And the name of Schoeppenhauer you didn't hear on the telephone. Did you ever have a form or a piece of paper in your hand which was a recommendation for a punishment?

A No.

Q How is it known to you that the punishment recommendations were made by the executive officer?

A That was told to me by Dr. Mahr. This procedure was told me by Dr. Mahr. And that time when I reported to him that the people were so beautifully fixed up by Betmers, that time I used the following trick. At that time I had to say that so and so, many of the experts and technical

people had fallen out from the work process. Today I tell him something different. The situation has changed a bit.

Q You stated that the Russian, Potapow, cut an important cable and then he was arrested for this.

A This was told to me by Schmitt and the nurses of Potopow. From them I heard it.

Q Did you hear it from Potapow personally?

A Yes.

Q And, in your opinion, what is this when a worker in an important production cuts a cable which is of utmost impertance?

A That is an act of sabotage.

Did Potapow only speak Russian, or another language?

A He spoke Russian and a little bit of Polish, as he originated from the Ukraine, or the west Ukraine.

Q In other words, it was necessary to have an interpreter present at his interrogation?

A Yes.

Q And who was the interpreter, according to your testimony, at the time that Potapow was interrogated?

A It was a so-called Schmitt, a professor of languages from Paris, and if I remember correctly, for a short period of time he was the lecturer in Lyons.

Q Was he a Frenchman?

A A White Russian who emigrated from the revolution, who immigrated to France and was engaged as a teacher of languages. I don't know the spelling, but probably the German spelling, Schmidt.

Q You were never personally present at an interrogation by Petmers, which Petmers conducted, never personally present?

A Never personally present.

Take 115 - Nordhausen
8-25-mdh-7

CROSS EXAMINATION FOR THE ACCUSED HEINRICH

Q You stated that you never saw the accused Heinrich in the bunker in Dora, is that right?

A Yes.

Q Did you ever see him at all in Dora?

A He seems to be known to me.

Q I ask you to answer my question. Did you see him in Dora?

A I don't know where I knew him from, but he seemed to be known to me.

Q Did you see him here in Dachau once?

A Yes.

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Q Did you see him here in Dachau once?

A Yes.

Q Did yo see 'im here in Dachau, once?

A Yes. When he came to the trials I saw them all very often.

Q Who told you that this here was Heinrich?

A What I don't know.

Q Did you know that of your own accord that this was Heinrich?

A It was not necessary that somebody told me this. In the prosecuti room there are the pictures with the names of the accused.

DOCTOR RENNER: No further questions.

DOCTOR AHRENS: Cross examination for the accused Rickhey and Simon together.

QUESTIONS BY DOCTOR AHRENS:

Q Doctor you spoke about the work tempo during the period that the tunnel was being constructed. Can you tell us how long it took until the tunnel was finished?

A The construction of the tunnel and the changes in the tunnel in the construction took until the high summer and even after the high summer I noticed that cement floor was torn out and that the tracks were laid some-place else.

Q Until what period of time would you say that the blastings were mostly finished?

A When I arrived in February and I was treating the people in the tunnel the blastings were there all the time.

Q Were they also there in March, these blastings?

A That I cannot say.

Q Can you say if they were still there in April, 1944. Can you state if there were still blastings in April 1944?

A That I cannot say.

Q If you speak about the time of the blastings you are speaking about February, 1944, isthat correct?

A Yes.

Q Isn't it true that these blastings were always indicated by a horn signal? Through the trumpet signal?

A I never heard that. I did not hear the trumpet. Imagine if you came down into the tunnel and these blastings were taking place and the automatic drill machines were running and that if you wanted to talk to your comrades or to one of the patients from a distance of two meters you had to scream to be heard. The little tractors with diesel motors were running around and if a man would blow a trumpet 30 or 50 meters from where I was I wouldn't hear that anymore.

Q Did you treat the people in February, 1944 directly in the place where they worked or did you have a small dispensary?

A In my opinion the word "dispensary" is a courageous word.

Q Do not hesitate about the word. I will put the question differently. Did you treat the patients in February, 1944 at the place where they worked or did you have a special place for treating them?

A In the tunnel there was the so-called dispensary in front of block 9-A and I often stopped the flow of blood or arteries directly on the place of duty in the so-called tunnel B.

Q But usually you did that in the dispensary, is that correct?

A More often in the dispensary or so-called dispensary.

Q Did you personally observe exactly the working procedure during the blastings?

A I request a translation. No, when I heard about a preparation for blastings I disappeared.

Q The other prisoners who worked at that particular place also disappeared, is that correct?

A If they would have disappeared the same as I they would be sitting here today and would not be ashes in Dora.

(Cespiva-cross)

Q But isn't it a fact that prisoners who worked directly at the place where the blastings were to take place would take cover?

A I will explain it to you in more detail from a medical point of view. If an organism lives in an entirely normal living condition the so-called nerve reaction of the nerve center has a very great speed. For instance if you would place a lit cigarette into your mouth with the lit end the reaction would be so fast that inside of one tenth of a second one would take the cigare te away again. That if you are suffering from total exhaustion and one is sitting on a spot almost exhausted to death and somebody would chase you to go to work the speed of the reaction would be such that one would burn one's lip--and the tunnel--and that was also the case with prisoners. That is the condition of exhaustion and the physical condition in which these prisoners were who were doing this blasting work. They were not blasters, you can believe me.

Q Do you want to say that a part of the accidents were produced due to the fact that the reaction of the prisoners was not fast enough, that it was decreased?

A When I work in this hell and there is no hope to get out of this hell I can also commit suicide by remaining at the place of blasting.

Q Under direct examination you spoke about the fact that the prisoners had to carry away heavy stones every time after the blastings. Is it not a fact that these tracks always went up to that place that was being blasted.

A Did you ever see a place where the blastings took place?

Q I ask you, is it not a fact that the tracks always went to the place where the blasting took place and that afterwards the stones were cleared away by having them loaded on carts?

A Imagine that this table is blasted and the tracks come directly to this spot or two meters before it. Now the explosion takes place and 10 tons of stones fall on these tracks. That means that during every blasting at least 20 or 25 meters of tracks are destroyed and, in my opinion, the

tracks were much more important than prisoners because for the prisoners the Gestapo Office from some other place could bring a substitute.

Q Please answer the following questions: Did the prisoners have to carry stones away or did they only have to load them in carts?

A They had to carry them away and the train was always very long. There wasn't a train with just one cart and if one cart was filled one would have to carry the stones to the second cart and if the second cart was filled one would have to carry the stones to the third cart and if the third cart was filled one would have to carry the stones to the fourth cart and if the fourth cart was filled one would have to carry the stones to the 15th cart perhaps, etc., if one wants to be that literal.

Q Did you observe the incident as you have just described them in February, 1944 in the tunnel?

A I saw it.

Q And you said that in this period of time there were very many accidents and that due to a lack of sulfamides you were forced to make many amputations, is that correct?

A Yes.

Q And that refers to the time up to February, 1944?

A That refers up to the second of November, 1944 until my arrest and only with this exception that at first the stones crushed the hands of the people and then the heavy parts of the machines and of the secret weapon or the fingers came into the machines.

Q Can you give us a definite time when the machines were brought into the tunnels at all?

A No. No, I cannot.

Q Do you know when the production of V-weapons started in the tunnel?

A In my opinion around April. Sometime in April. Around April.

Q Then from the time up to April the machines must have already been

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in the tunrel, is that correct?

A It is possible.

Q You spoke about the fact that when many invalids assembled, came together, that transports were made up with orders for Lublin and Auschwitz, is that correct?

A Yes.

Q And you spoke about a thousand people who went to Lublin and about whose fate you heard later?

A In March. That was in March. It was the March transport.

Q This transport left in March, 1945, is that correct?

PROSECUTION: Wait a minute. I am sorry, is that correct?

A March, 1944.

Q Which doctor examined this transport?

A With transports the matter was such: The order came to send one thousand prisoners who were unfit for work away. We knew this in the dispensary shortly before the transport left. The first thing was that the nurses asked for volunteers for this transport and several healthy people reported themselves for the transport because they believed they would be able to escape. Many people did not believe us when we said that this was very probably a liquidation transport. They believed that we needed the beds and this statement was only a lie or it was just an excuse. That was why on these transports there were people who volunteered.

Q From whom did this order come to set this transport at one thousand people?

A Doctor Kahr must know this. He at that time was assigned as SS Camp Doctor.

Q And Doctor Kahr was the man who designated these people for the transport who did not volunteer for it?

A No, he never did that.

Q Who designated the people?

A They told the chief nurse of every station first of all those who

volunteer, then the dying and then the labor service had evacuated the entire so-called convalescent block and many hundreds of people came to the assembly point without a doctors examination, to the assembly point where afterwards the administration block was at that time it was just a latrine.

Q Wasn't it the matter of the doctor to indicate who was not fit for work?

A Yes.

PRESIDENT: The court will recess until 1330.

(Whereupon at 1155 hours the court recessed.)

AFTERNOON SESSION

(Thereupon the court reconvened at 1330 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all members of the court are present, defense and prosecution are both represented, all of the accused are present, the reporter and interpreter are present.

At the end of the last session the witness Cespiva was undergoing cross examination.

PRESIDENT: The witness is reminded he is still under oath.

WITNESS DR. JAN CESPIVA: Yes.

DR. JAN CESPIVA, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, continued to testify through an interpreter as follows:

CROSS EXAMINATION (continued)

QUESTIONS BY DR. AMELER (continued):

Q Doctor, a few more questions with respect to the blastings, at the time of February 1944. Didn't you ever see a scoop or a shovel which transported away the rocks?

A In the tunnel which was constructed opposite of Barrack 9A at no time was there a shovel working. I saw the shovel and I can show it to you on this map here (indicating wall chart). Here (indicating).

DR. AMELER: Let the record show that the witness is pointing at a spot on Prosecution's Exhibit No. 23 next to the three arrows, to the right of the word "A Tunnel."

Q Then it is correct, Doctor, that partly at least the transport of the rocks and the loading of the rocks was being conducted by the means of a shovel?

A Yes.

Q Isn't it a fact that the drillings themselves were conducted by specialized workers, miners?

A The specialized work looked like the following: for instance, a Czech, who in peacetime used to be a barber, worked there in the mining

detail.

Q Do you want to say by that, Doctor, during details consisted of non-skilled laborers?

A By that I do want to say not the whole work detail consisted of skilled workers.

Q Isn't it a fact that the explosive charge was attached by skilled workers?

A That I never found out.

Q Then you can not say either whether these skilled workers warned the other people before the blasting started?

A I would like to have this translated.

(Whereupon the question was translated by the Czech interpreter.)

A The work and the blastings were so often and without protection for the workers that during that time there were 22 accidents which I treated, and most of them died.

PROSECUTION: I pray the court ---- I think he said, "At least 22." Now will you check it, please?

INTERPRETER SIMON WEISSGLAS: "At least 22."

A (continued) At least 22 cases, out of this work place opposite the so-called small dispensary.

Q Did these people that you treated on account of the accidents tell you that they had suffered damage because they had not been warned in time?

A Who was going to warn these people if, for instance, the ceiling caves in -- that means the ceiling of the tunnel which had been finished already, which had been finished for at least four months; and such an accident happened as sometimes June or July or even August in the tunnel, who is going to warn the people?

Q So, if I understand you correctly, you want to say by that that one of these accidents was due to the fact that the ceiling caved in?

A Yes.

Q And other accidents that you treated -- of what nature were they?

A Smashed hands, broken arms, fractured skulls, smashed chests.

Q During the time when the blastings took place, were there also civilian workers working in the tunnels, aside from the prisoners?

A It was interesting to note that on the most dangerous places only prisoners were working. The only civilian that I saw working there was the locomotive engineer of that small railroad train.

Q Do you want to say by that, Doctor, that during the time of the blastings, near the place where the blasting took place only prisoners were working and no civilians?

A You have to imagine, Mr. Defense Counsel, that it wasn't my work to observe the explosions, and I protected my own skin as well as I could.

Q I am not complaining to you about anything. I just want to ask you whether you went to say that those places where it was most dangerous -- only prisoners were working there and no civilian workers?

A It never happened that I treated a civilian or even had to administer first aid.

Q But you apparently don't know whether on those dangerous places where prisoners were working there were also civilian personnel working? You don't know that, do you?

A No.

Q How many prisoners all together were working in Dora, let's say, in May 1944?

A I can not tell you that exactly because during that time more prisoners were busy erecting the camp, and I never showed any interest in the fact how many people were at work. My interests were how many people were not able to work, and for those people I wrote out those so-called rest slips.

Q Do you know how many people actually worked in the Mittel Werke

In ay of all these ople that ad been committed to work?

A I do not know ' at.

Q Don't you ave ' ive any esti ated p rcentage?

A o.

Q When was it that the last prisoners who lived in the tunnel first moved up to the camp?

A I came in Spring, 11th of February 1944, and I believe in March I gave innoculations to the whole crew of the camp. That means three times, once every week. That means the prisoners had to be there until the end of March or from the beginning of April and three weeks thereafter, but I can not give you the exact date.

Q At that time were the prisoners still sleeping in the tunnel?

A Yes.

Q You said this orning that about April production was started. Were at this time the guards moved already out of the tunnels?

A At the time when the halls were furnis ed some prisoners were in the camp already, but at what period of time or at what date it was, I can not recall.

Q You only remember that around the middle of A ril the work was started?

A It could have been from April on or any time thereafter, but up to that time there was no production or armament being done yet. ("..accordin to my opinion." added further on in the record.)

"[illegible]TION: I pray the court's judgment. I think he added, "according to my recollection." Not "[illegible]einin," "[illegible]einung" was what he said.

[illegible]: "According to my opinion."

PRESIDENT: Will the reporter read that answer now?

(Whereupon the answer was read back by the reporter as follows:

"Answer: 'It could have been from April on or any time thereafter, but up to that time there was no production or armament being done yet, according to my opinion.'")

([illegible]IVA-Ross)

Q You were speaking in direct examination about mortality, Doctor. Based upon these death books that you brought here, Doctor, can you tell us how many people, approximately, in the month of February died?

A In the dispensary we introduced the so-called mortality curve. At the highest point -- that means per month -- was in March, which was 760 or 780 -- in March 1944. Then it dropped a little; that was the time when the camp was finished -- that means when the prisoners lived in the blocks -- the lowest mortality figure was, I believe, in the Summer of '44 in June, July, or August.

Q With how many mortality cases?

A 200 a month, maybe 180 to 200 a month; it even is possible, a little less. This period of time is not included in this death book.

Q Are there any records still present of that mortality figure?

A Yes, the statistic is here.

Q Where did you see it?

A In the room, or, in the office of the prosecution.

Q Does that death statistic include Dora and all the outcamps or just Dora itself?

A In the so-called monthly reports from all those camps the following strengths were included in all: over all strength of the camp; the so-called stretcher patients; the so-called out-patients; those people that died; those people that were executed; and those people that were shot while escaping. And out of these monthly reports an over all report was made and sent to Berlin to the official place, Department D-3.

Q Those figures that you mentioned before -- of March, 700, in 1944, and July, about 180 or 200 -- does that refer only to Dora or to other camps too?

A In March it was only in Dora, and in July I believe it also included the outcamps.

(CESSIVA-Cross)

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(CESPIVA-Cross)

Q Can you tell us now how many of these people that died worked in a factory? A percentage, if you can, or can't you do that?

A Practically all the people that died in March, died in the tunnel because if it was a prisoner who had a good position, such as a block clerk, block orderly, block eldest, or camp eldest, a doctor or a hospital orderly, or nurse, he didn't have to work too hard and out of those people not many died.

Q And what about those figures for June to August, 180 to 200 of those people that died in the tunnels only?

A The biggest part of those people died in the tunnels, and on the various work sites.

Q By work sites do you mean the work places only in the tunnel?

A Yes, in the tunnel only.

Q During that time wasn't there also other work done out of Nora? Or only that work in the tunnels in Nora?

A Yes. Camp was finished, roads were built, the roll-call place was built, water pipes were laid, crematory was built and during all that work the people worked out in the open and in the fresh air, they were out in the sun and that means a lot because the work in the tunnel and the conditions of work and the lack of ultraviolet rays are a big part which brought about death cases.

Q You said with reference to the drop of mortality rate that at that time there were nine hospital barracks and the operating room was working all right and there was so much work to be done that the physicians hardly could get any rest? Do you want to say by that that due to the fact that the hospital room barracks were here and the doctors worked so busily that this added to the drop of the mortality rate?

A Yes.

Q Is this, in your opinion, the only reason for the drop in the mortality rate?

(Cespiva - cross)

Q Can you tell us now how many of these people that died worked in a factory? A percentage, if you can, or can't you do that?

A Practically all the people that died in March, died in the tunnel because if it was a prisoner who had a good position, such as a block clerk, block orderly, block eldest, or camp eldest, a doctor or a hospital orderly, or nurse, he didn't have to work too hard and out of those people not many died.

And what about those figures for June to August, 180 to 200 of those people that died in the tunnels only?

A The biggest part of those people died in the tunnels, and on the various work sites.

Q By work sites do you mean the work places only in the tunnel?

A Yes, in the tunnel only.

Q During that time wasn't there also other work done out of Dora? Or only that work in the tunnels in Dora?

A Yes. Camp was finished, roads were built, the roll call place was built, water pipes were laid, crematory was built and during all that work the people worked out in the open and in the fresh air, they were out in the sun and that means a lot because the work in the tunnel and the conditions of work and the lack of ultraviolet rays are a big part which brought about death cases.

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A Yes.

Q Is this, in your opinion, the only reason for the drop in the mortality rate?

(Cespiva - cross)

A That is the main reasons. That they could produce surgical work, because then we had knife, needle and silk thread.

Q I am not talking of the time when the production was going on in the tunnels. From the time the production was started, how often did you get down to the tunnels?

A During every airraid alarm I had to go to the operating room in the tunnel with my assistant and three nurses. The instruments and the material we had to take along from the camp up above and I had to go out from the tunnels to go up to the camp if something was going on outside during an airraid and for that purpose I got a bicycle from the camp commander, Foerstner.

Q Where was the operating room in the tunnel that you were just speaking about?

A In the west main tunnel, at least 300 meters to the right

Q Can you show it to us on the map, on Prosecution Exhibit No. 21 where this room was?

A (Witness indicates on map.) Here and here are two main tunnels and in the westerly tunnel to the right, approximately from the entrance three or four hundred meters away from the entrance.

Q If I understand you correctly you mean the tunnel which is marked here on Prosecution's exhibit as Tunnel "A"?

A Tunnel "A".

Q Could you tell which cross tunnel this is, if you count it off from the beginning?

A I believe it was opposite the second of the so-called cross tunnels.

Q As you went to your operating room, which route did you have to follow?

A From the camp one along the concrete road -not over the SS road-- but the concrete road, up here.

(Spiva - cross)

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8-2)-sdh-3.

DR. AHRENS: Let the record show that the witness pointed out a road which is marked with a red line, leading from the camp Dora to the tunnel and he indicated a more southerly route. On your way to the operating room did you get in contact with the production.

A That was in the tunnel. If the airraid alarm lasted too long and I was in the tunnel I was able to see the whole tunnel up to the part where it was blocked off and in that part the airplane motors were being built, and with my white brassard with the markings on it, "First Prisoner Doctor", I had entrance to the whole tunnel.

Q You spoke about the fact that the factory V-1 and V-2 weapons were being produced. Do you know whether both V-1 and V-2 weapons were being produced parallel?

A At first V-2 was being manufactured alone and then, much later in the summer of 1944, V-1 was also manufactured in tunnel "A".

Q What work places did you observe in the tunnel?

A Nearly all of them.

Q You said that many prisoners had to transport heavy parts. Do you want to say by that, that the biggest amount of them were busy transporting parts?

A No, the biggest part worked in the manufacture, but they were also so-called transport columns.

Q Do you want to say that the work that they had to do mostly at the machines was the hardest work?

A Not many people are busy at machines; the machinery was modern and very fast, so-called fast machines with big amount of rounds of the machinery and also automatic. But the so-called preparation of material for these fast machines, that is what I mean was the heavy work.

PRESIDENT: Does the witness mean high speed, automatic machinery? Is that what he is trying to say?

DR. AHRENS: Yes, sir. What do you want to say to preparation of the material?

(Despiva - cross)

A Somebody had to carry the material to the machines, and in the assembly always these heavy pieces, or big material, sheet parts, had to be carried in the assembly hall. If you ever were at any time in a factory you also know it, so you realize that even on the automatic production line there is heavy work to be done and this was not the case in Dora, because for the biggest part the prisoners replaced the cranes. This was the work of the so-called transport columns.

Q Can you tell us approximately how big this transport column was in percentage, compared to the whole crew?

A I cannot tell you that.

Q But that was only a small part of the work; is that correct?

A It is not a small part, but actually not more than one-fifth.

Q The rest of the workers were busy on assembly work, machine work or testing work; is that correct?

A The so-called specialist who could prove that they are specialised worker experts, that work at the machines or at special kinds of works at the finest parts which go into a radio. But that was the smallest part of the prisoners.

Q Wasn't it necessary on all parts of this V-2 weapon to be very exact?

A I would like to have this translated into Czechoslovakian.

(Whereupon the question was translated into the Czechoslovakian language by Dr. Frankl for the benefit of the witness.)

A I believe yes.

Q Do you believe that if you have to do precision work you can do that in a big haste?

A Such work has to be done in quiet and very slow time, but this was not the case in Dora, and therefore so many of these V-2 weapons were returned to Dora, because they were not fit to be shot off, as you are well informed.

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Q Isn't it a fact that the individual parts of the V-2 weapons were tested after they were constructed into aggregates?

A I would like to have this translated in Czechoslovakian.

(Whereupon the question was translated into the Czech-oslovakian language by Mr. Frankl for the benefit of the witnesses.)

A According to my opinion, the parts were tested before they were installed in the weapon and afterwards again they were tested before the torpedoes left the tunnel.

Q And that they were tested again in between, with other parts, you do not know that?

A That is not known to me.

Q Don't you know that a big part of the workers were busy with that testing work?

A I know that in practically every assembly hole one such testing station was installed, but in my opinion it is more important to have more hands to build something than to test something.

Q Isn't it a fact that many workers were busy to install electric lines?

PROSECUTION: I think, may it please the court, this examination on the details of the work and material all goes far beyond the training and capacity of this witness to testify to. I think it is immaterial and irrelevant.

DR. AHLEMEIER: Gentlemen of the court, I purposely went into small details in the process of manufacturing these things because he had stated that the decisive factor was work tempo.

PRESIDENT: The objection is overruled.

(The question was read by the reporter.)

A According to my opinion, only a small part of the prisoners.

Q You were speaking of a conveyor belt. Where was this conveyor belt?

A In the easterly tunnel.

Q Do you mean by that the "A" tunnel or the "B" tunnel?

A Here it is marked "B". I mean the V-2 conveyor belt.

Q What do you understand by a conveyor belt?

PRESIDENT: Let the record indicate what he was referring to.

DR. AMEIMER: Let the record show that the witness referred to Prosecution Exhibit 21-A.

A On the conveyor belt, I understand a production which moves along on a so-called belt. In Dora it was the following: The torpedo traveled along tunnel "B" and parts were installed during this movement. Some of these assembly holes which were on the right hand side of tunnel "B", the important parts had to be ready and had to be already all prepared before the torpedo arrived so that they could be installed.

Q So do I understand you clearly, the torpedo traveled along from one cross tunnel to the next cross tunnel, stopped at each cross tunnel until the work was done and then continued traveling?

A Approximately like this it was.

Q With which managers or directors of the factory did you ever have any dealings.

A For the hospital orderly personnel and for doctors it was strictly forbidden to talk to civilians, because every accident was reported to us by the capo or his assistant foreman.

Q You want to say by that that you did not speak to any manager or engineer?

A Yes.

Him in charge of the tunnel, was or his name?

I know it from it, was or Kramer, they called [illegible] the name of the [illegible] in Tunnel A, is a Volks-deutsch--he was from there, and he was the railroad car which [illegible] with material and he supervised the work. I do not know any other names but if you show me any photographs I probably will be able after three years to tell you who I saw in the tunnel.

Q Did you hear the name, Kametzki once?

A Yes.

Q What did you hear about it?

A This is the manager of the production in the tunnel--alleged construction manager of the "V" weapon.

Q Didn't he have a direct contact with the prisoners?

A When they came to the tunnels they did not ask the prisoners how they are living or what they would like to have, all they wanted to do is find out where the production is lagging, and how they ordered out the prisoners.

Q How many shifts did the prisoners work in the tunnels--I mean after the time after the production had started?

A In two shifts.

Q For how long, in each shift?

A 10 to 12 hours.

Q Was it like that all the time after production had started?

A Until the time of my arrest and during the summer of 1944 it was like this. How it was afterwards, I do not know. I had other things to worry about.

Q You said that afterwards the mortality figure rose again. Wasn't that at a time when there were other transports coming into the camp?

A Partly, Yes, but at a written order sicknesses were created in the wintertime on account of colds, and the speed in the manufacture of the

weapon which was to decide the war increased; it did not decrease.

Q How do you know on t the tempo was increased?

A I noticed it myself in the Tunnel B, Prosecution exhibit 21[illegible].

Q How could you observe this?

A In the beginning when I came to Tunnel B, one or two torpedoes were standing there, and they were being looked over by curious SS men and civilians, and curious prisoners, and afterwards it was just one row of torpedoes from one end to the other end. From this fact I assumed that the production increased a little.

Q But whether the tempo for the production of an individual was increased, you do not know?

A I would like to have this translated in Czechoslovakian.

(Thereupon the interpreter translated the last question into the Czechoslovakian language.)

THE WITNESS: It is like this. This can be found out through so-called labor statistics. It so happens that I was here an important man of the labor allocation detail, and so can tell you exactly how many more people were employed in the production and how the production increased then. That you will know yourself if you divide it up and then you will have the result.

QUESTIONS BY DR. ALDRICH:

Q So in other words, if you speak of the increase of the work tempo, it is a conclusion on your own part, is that so?

A No, I observed the tempo and I saw the production until the beginning of November. I described here my observations as well as possible, and in case of conclusions, I will always mention literally that these are conclusions on my part.

Q Did you also observe that in summer 1944 more automatic machinery was installed than in the beginning?

A Many machine s arrived in transports, but I am not an expert in

those specialized services, for me it is immaterial, it is the same train, whether it is a horse or a big, drilling machine, but I can tell you what was the cause of the death of the prisoners, and I - as I told you already partly.

Q You spoke of the rest slips that you wrote out for the prisoners. Were you the only physician in the camp Dora who wrote out those rest slips?

A Yes.

Q How many prison doctors were there in Dora?

A Over 30.

Q At the same time?

A Yes.

Q And these rest slips were only written out by you yourself, is that correct?

A Yes, after my arrest Grossmeveld and Morel did that. This is Dr. Morel from Paris of the internal department.

Q If a patient of the internal department had to receive a rest slip, the doctor would send the patient over to you to write out the paper, is that correct?

A You have to realize that a lot of prisoners who fell sick came to the dispensary after roll call. In Block 16 there were 3 dispensaries, one surgical on the right and together with that the skin diseases, and furunkloses the internal department on the left; and in the back nose, eyes, and throat sicknesses. First I talked to one and asked him what was wrong, and I made a rough description. Part of them went to the dispensary of internal diseases, to ears, eyes, nose, and throat. The biggest part was for surgical sicknesses. This I examined myself and wrote out the rest slips. The people of the internal department examined the other prisoners and then they wrote out a rest slip and sent them over to me for signature because I was the one who had the stamp of Dr. Kahr for his signature, but I had to initial each slip with my initials to show that I had seen it. This was a check-up for my part.

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If I had not seen the sick person personally, then I just put a stamp on the slip without the details, and upon a new [illegible] I personally whether I saw the patient myself or whether I just received the paper for a stamp.

PRESIDENT: The court will recess for 15 minutes.

(Whereupon the court recessed at 1446 hours.)

* * * *

(Whereupon the court reconvened at 1500 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all the members of the court are present; the prosecution and the defense are represented by counsel; all of the accused are present; the interpreter and reporter are present. At the end of the last session Dr. Ding was under cross examination.

PRESIDENT: The witness is reminded that he is still under oath.

Dr. DAI Ching was called as a witness by the prosecution, resumed the witness stand, and being reminded that he was still under oath, testified further through an interpreter as follows:

CROSS-EXAMINATION

QUESTIONS BY DR. AMAIZUMI:

Q Doctor, isn't it a fact that some of the prisoners sometimes falsified rest slips by changing the dates?

A I caught one Czech person who had falsified his rest slip, and I reported that. This was only an excuse, and it happened that the rest slips from all the people, even from those that were very sick, that these slips were taken away from them. According to my opinion, you can punish the prisoner who falsified a rest slip, but you cannot cause the whole group of sick people to work, and thusly kill or murder many people.

Q So I understand you correctly now that you are testifying to what you said in direct examination that Stein had taken away the rest slips from the rest people? When was it, doctor?

A That was in summer 1944.

(Testimony cross)

Q Wasn't that at a time when the SS Second Lieutenant Kurts was already in Dora?

A I cannot recall that.

Do you recall SS Second Lieutenant Kurts at all?

A I know the name, but I never had anything to do with him.

Q Did you not ever hear anything about it that he was labor allocation leader when he was in Dora?

A I knew that he came and that there were certain frictions between him and Simon. Simon was offended that he could not show any authoritative position any more. Of that I only heard.

Q Simon this way was the subordinate of SS Second Lieutenant Kurts, is that correct?

A I believe so.

Q Did you never hear about the fact that the withdrawal of rest slips was done upon the initiation of SS Lieutenant Kurts?

A The capo from the labor allocation office and the capo from the dispensary, the first capo is Szyrzak, and the second capo is Proell. They told me that it was not under the directive of Simon, and this I also told officially Dr. Kaar.

Q And what did Dr. Kaar do on account of that?

A Upon his orders the people were supposed to report for rest again and I was to check up exactly which people they were--who they were, and in spite of the fact that this was known, only a few people came for examination because they were afraid of being punished. He requested that all the rest slips be withdrawn, but I never got to see any one of them; they probably were torn up.

Q Did Doctor Kahr speak to Lieutenant Furst about this affair?

A I do not know that.

Q How many people reported for another examination upon being told to?

A Approximately 50 to 70 people.

Q How many people do you think was the overall amount of prisoners whose rest slips had been withdrawn?

A Approximately 200.

Q So that approximately 120 to 150 did not report back, is that correct?

A Yes.

Q How many out of these 120 or 150 people did you say died?

A More than 20.

Q During which period of time after the papers had been withdrawn?

A Approximately between the 5th and 14th day at the most three weeks.

Q In which manner has it been announced that or has it been made known that the people whose rest slips had been withdrawn were to report back for examination?

A The prisoner clerks who worked in the prisoner orderly room knew many of these people by name and it was talked over in the hospital orderly room that they were these people. At that time I took a position if we let this affair die out, it would be better if we let this affair die out and I reserved the right that I thought it was better if an SS man or an SS medical NCO wrote out these rest slips who has no medical experience or medical training.

Q And more of these people who afterwards died reported prior to that

(Cespiva-cross)

in the dispensary?

A About that I do not know anything. In all probability it would have been reported to me. During that time I was a little stricter than in civilian life.

Q But how do you know they, these approximately 20 people, died on account of exhaustion?

A Because they were brought as a corpse to the hospital and all these cases were being observed strictly by me or by us, whether they had been beaten or whether there was some funny dealing going on, some shady deal.

Q But how could you ascertain that these people were the same ones that had had rest slips?

A This was reported by the clerk and we pulled out the file cards from the file case and there was a seperate file case for those people who had received rest and we pulled out those cards of the people who had died and showed them to Doctor Kahr.

Q In direct examination you stated that Simon had beaten prisoners in masses. Where did these mistreatments take place?

A In his so-called workroom, left from the exit of the camp. The so-called leader's block. It is indicated there. It is drawn in there and then he wasn't very choosy where he should beat the people.

Q If you spoke about that drawing before you meant by that Prosecutions Exhibit Number 22, is that correct?

A The numbers are for me empty words. I can show it to you.

Q You mean the map that is hung up opposite me?

A Yes.

MR. W ALTHEIMER: Let the record show that the witness refers to Prosecutions Exhibit Number 22.

Q Did you see it yourself that Simon beat people in his place in the

(Cospiva-cross)

in the dispensary?

A About that I do not know anything. In all probability it would have been reported to me. A ring; but time was a little stricter than in civilian life.

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MR. ALTMAN: Let the record show that the witness refers to Prosecutions Exhibit Number 22.

Q Did you see it yourself that Simon beat people in his place in the

(Cospiva-cross)

leader's block?

A Yes.

Q Whether you only knew it by the talk of a third person that he beat people?

A Yes.

Q On direct examination you stated that you had seen the accused Rickhey three times in the tunnels, is that correct?

A Yes.

Q You stated that it was shortly before your arrest when the operating room had been finished. Can you tell the court approximately what month and year it was?

A It was the end of the year '44.

Q Who was Rickhey accompanied by?

A There was a civilian and others and one of these occasions there was a roll call leader, and a Tech Sergeant there and a prisoner from the tunnel inspection II.

Q You said at that time the accused Rickhey inspected or looked at the operating room. Did you see Rickhey yourself in the operating room?

A I did not see him in the operating room. I saw him enter the small dispensary next to the operating room as he was coming in. This I was told by SS Sergeant Lorenz and probably he saw him or he reported to him.

Q When you said the second time you saw Rickhey was at the testing stand of the torpedoes?

A Yes.

Q When was that?

A Not long. That was in short intervals. In spring and in summer in early summer. That is in 1944. I did not see Rickhey.

(Cospiva-cross)

Q Then this second time must have been in fall, 1944, is that correct?

A Yes.

Q In direct examination you said something of a "Duckboard" which should have been finished a long time already. What do you mean by "Duckboard"?

A That was a road to the testing stand along a railroad tracks and then at that time miners broke open or broke up again that concrete road with a pneumatic hammer. I don't know why.

Q And then that was the time when Rickhey said "What are those people here? They are sleeping.", is that correct?

A Yes.

Q And by that he meant the miners who were breaking up that "Duckboard"?

A The work details who had to work there or finish it.

Q Were these work details present at the work place?

A A whole lot of them as soon as they saw Rickhey and Simon cautiously disappeared because these persons had a good reputation. I mean they were well known and their appearance did not bring anything good along with them.

Q Where were you at that time on this place?

A Not far from these people.

Q How far was the testing stand away?

A That was close to the testing stand. Not far away from the testing stand. About 15 to 20 meters.

Q Will you please describe the locality where this testing stand is?

A When I enter Tunnel B, that is the East Tunnel, one of the first tunnels to the right, the lowest tunnel was the so-called testing place. (Cespiva-cross)

PROSECUTION: Excuse me please. Did he say lowest tunnel or deepest tunnel?

INTERPRETER: Deepest. My mistake.

THE WITNESS: And on the right of this tunnel B was the deepest place. It could have been about 20 meters big, was the so-called testing stand.

Q Could you get to that testing stand just like this?

A Not down below at the testing stand. The prisoners were working there. Only the smallest part of them, the most reliable ones and then the prisoners drove along in this crane and hoisted up the torpedoes at the point, and the finest work which was really not very strenuous was being done by civilians. I was told that the ends of the fins were being tested and the radio stations were being examined which directed this secret weapon.

Q At that time when you saw the accused Rickhey was there a torpedo on the testing stand?

A I cannot recall.

Q Isn't it a fact that this testing stand was blocked off through guards?

A Every prisoner who came through Tunnel B had to go above the testing stand. That was the only possibility where you could walk along Tunnel B and if he did not come through Tunnel B but came through Tunnel A he could walk on the righthand side.

Q And on the same day again you saw the accused Rickhey, is that correct?

A Yes.

Q This day was apparently the second time when you saw Rickhey?

A Yes.

Q Where did you see him the first time?

(Cespiva-cross)

A That was in Tunnel "A".

Q At what place?

A That was in the back. I was standing at the small dispensary.

Q Didn't you say that it was at the station where the accumulators were being charged?

A That was in the West Tunnel behind my dispensary that is accumulator station.

Q How far away was it from your dispensary?

A Five minutes fast walk.

Q So then you did not see the accused at the station where the accumulators were being charged, but at your dispensary, is that correct?

A I said in Tunnel A I saw Nickhey twice. Once I saw that he came to my dispensary and then at the station where the accumulators were being charged that was also in tunnel A. That charging station was a small part of the last step of these railroad cars, of these little electric cars. They were little cars that could travel along and the driver was standing in front of the cars and they were powered by electricity.

Q Was that on the same day when you saw him the second time at the charging station respectively at your dispensary?

PROSECUTION: I pray the court's judgement. I think this has been gone over time and time again. This question has been asked three times.

DEFENSE ATTORNEY: I do have a time check upon the possibility of recalling the witnesses possibility of recalling facts.

PROSECUTION: Not the same question three times.

DEFENSE ATTORNEY: I don't believe that I asked the same question three times.

PRESIDENT: The objection is overruled.

Before you resume your questioning doctor, the witness has made (Cespiva-orcss)

reference in this testimony a number of times to Tunnel A dnd Tunnel B. I wish to find out if those are the same tunnels A and B that are referred to on the prosecutions Exhibit P-23 as Tunnels A and B.

QUESTIONS BY DOCTOR AHRENS:

Q Doctor you are speaking of Tunnel A dnd Tunnel B in the last few question. Do you mean by them the tunnels A and B as they are being shown here on prosecutions Exhibit Number 23?

PRESIDENT: That isn't P-23, is it?

DOCTOR AHRENS: P-21-A

THE WITNESS: Yes, I mean this here prosecutions exhibit 21-A.

Q And at the same time do you mean those tunnels at the other drawing here on Prosecutions Exhibit P-23?

A Yes. That I do not know exactly, but for instance if I ask you what did you have for lunch last week on Friday could you give me an exact answer?

Q But didn't you state in direct examination that you had seen Doctor Mickhey three times and has started out to tell from the third time and then you spoke about the second time and then you spoke about the first time?

PROSECUTION: I ask, may it please the court, that the witness be cautioned not to make so many comments. That is not an answer to the question, even if he is my own witness.

PRESIDENT: The point is well taken. The court has had that in mind. The witness will confine himself to answering the questions that are put to him without any further comments or additions of his own. Is that understood?

THE WITNESS: Yes, sir.

QUESTIONS BY DOCTOR AHRENS:

Q Doctor you stated them that you also had disappeared because as

(Conpiva-cross)

you stated he was master of death or life, is that correct?

PROSECUTION: I pray the court's judgement. That is the fourth or fifth time, if my memory doesn't fail me, that the same question has been asked. I ought to welcome them because he is asking leading questions. I pray the court's judgement.

DOCTOR AHLMEM: At first I believe I am entitled to asking leading questions and secondly I believe as far as I remember I haven't asked that question on cross examination yet.

PROSECUTION: If he hasn't asked him he has asked his blood brother.

PRESIDENT: The objection is overruled.

THE WITNESS: In all probability.

Q How can you say that he was master of death or life? What reasons have you for that?

A Under his management and by his setting the pace of the work over 7 thousand prisoners died in the Concentration Camp Dora.

Q So by that you want to say that Sauckel was responsible for th death of these 7 thousand people?

A Yes, jointly responsible.

Q This figure of 7 thousand to what period of time does it refer to?

A From the beginning of Dora until the time I was arrested. The transports are not included here and without any other camps of the Mittelbau.

PROSECUTION: I would like that better translated. "And excluding the other camps". "without my ther camps" doesn't mean too much to me. I mean that this is a question of interpretation, may it please the court, of translation by the interpreter.

PRESIDENT: If the answer is stated by the interpreter the court

is bound by that answer.

PROSECUTION: I understand, but that is why I am trying to appeal to the court. I am taking exception to these ambiguous interpretations when the language is plain. I am not an expert in German, but I know when he said "excluding the other camps" that that is what he said. I am appealing to the court because that is the way it should be interpreted and it is not being interpreted that way.

I am spending too much time here checking the interpreter, may it please the court.

PRESIDENT: The reporter will repeat the question.

(Thereupon the reporter repeated the question and answer as follows:

"Q This figure of 7 thousand to what period of time does it refer to?
A From the beginning of Lora until the time I was arrested. The transports are not included here and without any other camps of the Mittelbau.")

PRESIDENT: The interpreter will repeat the question to the witness and have him give his answer.

(Thereupon the interpreter did as directed.)

THE WITNESS: From the beginning of Lora camp until I was arrested. The transports from the East arrived after I had been arrested. I was locked up in the bunker already since the second of November.

QUESTIONS BY DEFENSE ATTORNEY:

Q Do you want to say by that that Rickhoy was in Lora from the very beginning?

A That I do not want to say.

Q Did you ever hear once that Rickhoy himself wrote a report to the SD, that is the Security Service?

A In camp I did not hear that, but here I heard it from a witness. A witness told me that.

Q What is his name?

(Cospiva-cross)

A I do not know.

Q Did you ever hear the name Kammler when you were in Dora?

A He was a General of the SS in arms or it even may have been a Major General and he was promoted afterwards and then I heard from an SS man that he was in charge of the places where weapons were being shot off or at least that he worked there. Is this the Kammler you mean?

Q Did you hear in prisoners' circles that this Waschler that you were just talking about [illegible] matter of life or death?

A I never saw this Dr. Waschler. And if I have not seen him, then it is most probable that the big part of the prisoners did not see him either. At that time I was very curious or very interested in these high SS men.

DR. ARNDT: Further questions on cross examination on behalf of the accused Waschein.

Q When did you get to know the accused Waschein in Dora for the first time?

A That was in the year 1944. That was in spring, but I do not recall the date.

Q And for how long have you known him?

A Until my arrest. He was present when I was arrested.

Q Do you want to say by that that he in some way participated in the arrest?

A That I can not say. I can not say that the impulse of my arrest was from him or that he had ordered it.

Q Isn't it so that he himself had asked you why you were being arrested?

A That I do not know.

Q Didn't you say in direct examination that at that time Waschein and Dr. Kahr had been called over?

A Yes.

Q Who called them over?

A I don't know, but they came together with Heser and Sander.

Q And Waschein at that time when you knew him was Medical NCO in the troop dispensary?

A Yes, but he came often to us --that means, to the prisoners' hospital.

Q And he often took you along to outcamps, I believe you said, to Ellrich and Hartzungen, is that correct?

A Yes.

Q For what reason were you taken along by Maischein?

A In all probability he had received an order or he belonged to the crew of the ambulance -- that is, the SS ambulance. As far as I know, the prisoners had no ambulance assigned.

Q Isn't it a fact that Maischein took you along out of his own free will?

A That is a lie, because I had received an order from Dr. Kahr to visit the Ellrich hospital and also in Hartzungen, and to conduct examinations of sick people.

Q Isn't it a fact that Maischein at other occasions when he had to pick up sick prisoners in the ambulance took you along voluntarily?

A When the names of the diagnoses of the prisoners were known already my work was finished and I took care of the matters with respect to sheltering and medical aid in Dora. That means I had to place two people that were just sick -- or, not so sick -- in one bed and this way prepare the number of beds needed so I could place the sick people.

Q While you knew Maischein in Dora who was his superior?

A His next superior was the SS Staff Sergeant or Buck Sergeant Lorenz and the next one was Dr. Kahr, then Dr. Koenig, and then also a doctor who was in Dora for a short while but I don't recall his name, but he was an SS Second Lieutenant.

Q You said in direct examination it was very interesting that Maischein was always called by either Borders or Dettmers for secret burnings, is that correct?

A Yes.

Q Of how many such burnings at which Maischein was supposed to be

present do you know?

A Of two.

Q You spoke of one at which occasion Haischein threw you out of the crematory?

A Yes.

Q Do you know whether on this day any burning had taken place?

A Yes.

Q When was it?

A In the year of 1944 at the time when the small crematory worked down below in the camp.

Q During which month was it approximately?

A I do not know that.

Q And then you said you had hidden out nearby and had seen a cart on four wheels with a corpse in civilian clothes come up? Is that correct?

A Yes.

Q At what hour was it?

A After 11 o'clock at night.

Q And when were these people that you saw afterwards as corpses supposed to have come into the camp?

A That I do not know. I reported that to Dr. Kahr and I sent Polak down to the block leaders' room to find out about it there; and he inquired there; he came back and he told me to keep hands off of this matter; but no people were added to the strength of the corpses of the camp.

Q Didn't you say that you heard from the clerk Polak that these people had been brought to the bunker first alive and they were then supposed to have been brought to the crematory as corpses?

A This he told me. Whether it is true, what he found out, I do not know, but we received an order not to be interested in this affair and we were told if we didn't want the SD on our neck we should not talk of this affair or even spread it.

(CBSPIVA-Cross)

PRESIDENT: The court will recess for 15 minutes.

(Whereupon the court recessed at 1500 hours.)

* * *

(Whereupon the court reconvened at 1615 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all members of the court are present, the prosecution and defense are represented by counsel, all of the accused, the reporter and interpreter are present.

The witness Cesciva was under cross examination at the end of the last session.

PRESIDENT: The witness is reminded he is still under oath.

PROSECUTION: There is in the courtroom, may it please the court, a witness who is permanently excused. It is Dr. Ackermann.

DR. AHLER: The defense would like to object to the presence of the witness Dr. Ackermann. The witness Dr. Ackermann has the possibility of getting together with the other witnesses who may still be present in this courtroom, who will be presented here in the witness stand, and talk the matters over with him. I believe in all the large trials which took place here that the witnesses for the duration of the trial were not permitted to enter the courtroom and I believe in this case here it would also be the best thing.

PROSECUTION: I would like to state that the reason given to the court for excusing him was the fact that he was a newspaper man who made his living in part by covering these trials and when that statement was made he was then excused by the defense without objection, and I think it is rather strange that such a theoretical reason should now be advanced at this stage.

DEFENSE COUNSEL: May it please the court, the defense doesn't want to be placed in the position of having gone back on any commitment that was made; however, when the cross examination is being conducted at

the present time by Dr. Aheimer and he objects to the witness's presence in court, he may have in mind some questions which he wants to ask this witness which he doesn't want to have the witness Ackermann present at; and if that is the case, I would suggest that for this session at least the witness be excused from the courtroom.

PROSECUTION: That is not the objection.

(Discussion off the record.)

DR. AHEIMER: I withdraw my objection.

PRESIDENT: The defense will proceed.

DR. JAN CESPIVA, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, continued to testify through an interpreter as follows:

CROSS EXAMINATION (continued)

QUESTIONS BY DR. AHEIMER (continued):

Q Dr. Cespiva, under direct examination you stated that at that time the accused Maischein was called over the telephone of Dr. Kahr and he was awakened and called to the crematory, is that correct?

A Yes.

Q Is that the same day of which you were speaking just before the court recessed?

A If I remember correctly, I said, or I wanted to say that Maischein was called to the secret burnings over the telephone at night. That is what I wanted to say. If this was interpreted different, then it may be due to my small knowledge of the German language.

Q Did you personally hear one of these telephone calls?

A No, I was not permitted to be in the SS dispensary at night.

(CESPIVA-Cross)

Q How do you know then that Maischein was called on the telephone by Dr. Kahr

A Dr. Kahr told me this.

Q Then this telephone call was made with the approval of Dr. Kahr, is that correct?

A I believe that Dr. Kahr, as the chief, had to know where his people were that Maischein ordered during the night.

Q Do I understand you correctly that if such a telephone call came from Maischein to go to the crematory at night that Dr. Kahr knew about this?

A That is what I meant.

Q And you personally, as you have stated, saw Maischein twice at the crematory?

A Once I saw him, and the second time I heard about it.

Q When was the second time?

A That was in the year 1944 before I was arrested, the period of time from the 11th of February until the beginning of November.

Q Can't you give the time a little more exactly?

A No.

Q Was it more toward the end of this period or more toward the middle?

A That I don't know.

Q And that Detmers telephoned Dr. Kahr to come, you also know from Dr. Kahr, is that correct?

A Yes.

DR. AUSCHNITZ: I must make a correction here, I mean Maischein, not Dr. Kahr.

THE WITNESS: Yes.

QUESTIONS BY DR. AUSCHNITZ:

Q Did Dr. Kahr tell you anything about what Maischein was supposed to be doing in this matter?

A He never spoke about it, but I had the impression that he was afraid to speak about it..

Q Did you have the impression that Dr. Kahr approved of the presence of his subordinate, Haischein?

A If he permitted it, he must have approved it--he must have allowed it.

Q Did you ever see a death certificate which was signed by Haischein?

A No, not until here in the prosecution room.

Q And where did this death certificate come from which you saw here in the prosecution room?

A That was from the Rottleberode.

Q And when Haischein came to Rottleberode, were you already arrested?

A That must have been at this time because Haischein was present when I was arrested.

Q Can you personally say anything against Haischein?

A Yes. He robbed the prisoners and the capo of the dispensary. I know this from the capo Fritz Proell. Haischein took the capo Fritz Proell to some estate or some village. He sent him to the farmers then to get some eggs and kept them for himself. Once Proell made an egg cognac from our spirits from the operating room for Haischein, and a small quantity of this disappeared, and I also drank some of it.

Q And that you call robbery, Doctor?

A And then he requested our dietitian to give him margarine, sugar, and such things, and they then told me about this. The small cook from our diet kitchen is still living, and I believe Polak knows his address.

Q And what you have told us about Proell, according to your estimation, that is robbery?

A You must excuse me, I am not a doctor of jurat, and I stated the facts according to my opinion. For me at that time that was robbery. How that is called in a civil book of laws, I don't know.

If Kaltenbrunner then sends a prisoner out to do a little errand among the prisoners and this prisoner takes advantage of this to escape himself, in your opinion that is robbery, is that correct?

A Yes.

DR. ASCHENAUER: Further questions in cross examination for the accused, Eichmann.

Q In the era of November you were sent to the Gestapo bunker at the Koelke Kaserne, is that correct?

A Yes.

Q Is it correct that the Koelke Kaserne consists of about 20 buildings?

A It is possible.

Q Is it correct that out of these 20 buildings only approximately three were used for the Gestapo camp?

A That I don't know, but I know that next door to a bunker in the Koelke Kaserne there were large garages, and in these garages the prisoners were quartered.

Q Were these garages enclosed by a barb wire?

A Yes.

Q And was the Gestapo bunker inside of this barb wire?

A No, that was outside of this barb wire fence.

Q How long were you in this Gestapo bunker, Doctor?

A November, December 1944 and a few days of January up to the 1st -- I don't remember exactly--1945.

Q Who was in charge of the prisoners during the time that you were there in the bunker as a doctor?

A The most noticeable cases, that is, those people who had been practically beaten to death who couldn't move any more were taken care of by myself and Dr. Faulgault and others who, for instance, had some sort of internal matter or were covered with lice, were sent the length of this

(Cowiva-Cross)

came over to the civilian punishment camp, where they were treated. I was there once, and it was on the occasion that [illegible] concentration dinners, and I seized the opportunity to [illegible], and that is why I know how the people were treated at that time.

Q. So I understand you correctly, that was a civilian doctor who took care of the inmates of the bunker?

A. Yes, before Christmas of 1944 where at that time the barb wire was just being prepared when I didn't see any prisoners there as yet, only a detail. A prisoner of this block from the punishment camp escaped, and since that time no one could go to this civilian, rather to this civilian punishment camp. And from this time on we were told that all the bandages, even those concerned with internal matters were to be done by us even though we were surgeons and they were to be done in the bunker. Once I saw Dr. Kahr in the Boelke Kaserne bunker. He came with Obersturmbannführer who was the camp leader and they asked me how I was living or what I was missing, and such polite questions and I had to answer in the presence of the Gestapo man, Sander and Appel, Victor, and then they looked me up in the collar again.

Q. So it was this man at that time, that Dr. Kahr was responsible for the technical care of the inmates of the bunker, is that correct?

A. That I don't know. I have never seen Dr. Kahr who took a decided stand against the Gestapo, that the Gestapo allowed me to be present at the people when they were being bandaged or during interrogations. And I heard from Dr. Kahr here that in the winter he was transferred to a fighting group from an [illegible], and that was a major—Sturmbannführer. From the Gestapo main office of either it had been interrogated, and after this interrogation he was transferred.

Q. Did you before you were locked up in the bunker, did you see any death certificates which had come from the outside camp, Boelke Kaserne, Nordhausen?

A. No.

Th 122-g-e-Nordhausen-8/25/47-5

Q Did you before you were arrested on the second of November '44 see death certificates of people who came from the Gestapo bunker Nordhausen?

A If anybody came to us who had been beaten to death, it was written there in pencil, "from Vernehmungs Arbeit", and in my opinion there was no great fluctuation in this Boelke Kaserne before we were arrested.

Q And you say that after the time that you were arrested there was a greater fluctuation there in the bunker?

A Yes.

Q You were asked in great detail by the prosecution what happened to a body which died there in the Gestapo bunker during the time that you were there?

A May I please have a Czechoslovakian translation?

(Thereupon the interpreter translated the last question into the Czechoslovakian language.)

THE WITNESS: This would be brought to the crematory in the base Camp Dora.

QUESTIONS BY DR. ALEVE:

Q Do you remember that the prosecutor then asked you what reports went to the Gestapo main office and went to Dora together with the body?

A Yes.

Q I would now like to ask you if you ever saw any of these reports which were always made after a death in the Gestapo bunker?

A All those deaths which occurred in the Boelke Kaserne were delivered to Dora. Those reports were written by the Boelke Kaserne and not from the bunker.

Q Did you ever see such a report?

A No. Polak told me about this.

Q When did he tell you this?

A In the year of 1945 or 1946 after the liberation.

(Captain Ross)

Q Did Polak also tell you that immediately after a death in the Gestapo bunker a report was sent to the Gestapo main office and also a report to Lora?

A That is not true because, for instance, if in Lora somebody was beaten to death during an interrogation then as from the Gestapo, from the main office tried to make Dr. Fuhr, first of all, write another diagnosis instead of the correct one which was "tearing of the spleen, breaking of the ribs, and beating to death".

PRESIDENT: The Court will recess until 9 o'clock tomorrow morning.

(Thereupon at 1555 hours the Court adjourned until 0900 hours, 26 August 1947.)

* * * *

MILITARY GOVERNMENT COURT

CASE RECORD

Page 15
Pages 888 - 932

CASE NO. [redacted]

PROSECUTOR [redacted]

*SUMMARY
[redacted] MILITARY COURT
GENERAL

DEFENSE COUNSEL Major L. E. Sullada

INTERPRETERS Molly Singer
[redacted]

PLACE [redacted]

REPORTERS [illegible] Martin
[redacted]
[illegible] Sara
[redacted]

DATE _____ 194 7

WITNESSES

_____

_____

_____

ACCUSED [illegible] et al

ADDRESS _____ SEX _____ AGE _____

	FIRST CHARGE	SECOND CHARGE
PLEAS		
FINDINGS		
PREVIOUS CONVICTIONS		
SENTENCE		

IMPRISONMENT (TERM _____
(
(BEGINNING _____ 194_____

FINE AMOUNT _____
TO BE PAID BEFORE _____ 194_____
FURTHER TERM OF _____ IMPRISONMENT

CHARGE SHEET AND RECORD OF TESTIMONY ARE ANNEXED HERETO.

_____
SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY _____

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SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

RECORD OF TESTIMONY

in trial of

THE UNITED STATES versus ARTHUR KURT ANDRAE, et al

by

GENERAL MILITARY GOVERNMENT COURT

tried at

DACHAU, GERMANY BEGUN ON 7 AUGUST 1947

26 August 1947 Pages 885 - 932

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WITNESS	Direct	Cross	Redirect	Recross	Court
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DACHAU, GERMANY

26 August 1947.

EVENING SESSION

(The court reconvened at 0900 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all members of the court are present, the prosecution and the defense are represented by counsel, all the accused are present, the court reporter and the interpreter are present. At the end of the last session the witness was under cross examination.

DR. JAN CESPIVA, called as a witness by the prosecution, having been previously sworn, resumed the stand and testified further through an interpreter as follows:

CROSS EXAMINATION (continued)

QUESTIONS BY DR. AHLEMER

Q Continuation of cross examination in reference to Dr. Schmidt. Mr. Cespiva, yesterday at the end you were speaking about thedeath reports about prisoners who died as prisoners of the gestapo?

A Yes.

Q And your final answer was that the gestapo main office wanted Dr. Kahr to state a different cause of death than that stated, of a broken rib or torn spleen, and so forth?

A Yes.

Q What did Dr. Kahr do in compliance with the request of the gestapo?

A He wrote that the spleen had been torn, that the ribs were broken, and that the cause of death, "beating until death".

Q When was this?

A When I was in the bunker.

Q Can you state the time more definitely?

A In November or beginning of December. In this period of time.

Doctor, how do you know this thing, that you were in the bunker t hat time?

A I treated the prisoner in the Foelke Kaserne in the bunker and he was transferred to ora in such condition th t I had my doubts that he would be able to live. nd then I was transferred.

Q Do you know wh t happened to this young person? I would like to object to the translation here, because the witness said that "I was transferred here".

INTERPRETER: And then I was transferred here.

A Wh t I want to say now is not in connection with the question of the attorney. Yesterday there was a whole series of questions and answers, when I saw Rickhey for the first time, second time and third time. I would like to clear this matter up.

DR. AHLEMANN: I would like to object to this. We are now at another question and not about what we were talking yesterday.

PRESIDENT: The witness will be given an opportunity on redirect examination to make his comments and explanations. At the present time he will answer questions put to him by the defense counsel.

A Yes.

Q Doctor, you said that you had doubts here. Do you mean under "here", in Dachau?

A "Here" I mean after the liberation, when I was home already.

Q With other words, you want to say that you only learned about this what you have told us now, only later from Dr. Kahr?

A First also I heard about it from Czechslovakians who came back from Dora. Very much was talked about this. We had an assembly of all the former Dora prisoners and many things I only saw from the viewpoint of the bunker and it was necessary to know all the circumstances which existed in the bunker at that time in camp Dora. From the viewpoint of the prisoners who were, so to say, free in the camp, and I learned about

many things which explained circumstances of the bunker to me.

Q Herr Doctor, my next questions only refer to that order you learned about at the time when you were a prisoner and not what you heard later on.

A Moment. When you want to know my opinion and you want to know from the time that I was in the cell and treated these people, then this is not a complete picture. Many things from the point of view of justice cannot be torn apart. Many things and many incidents of the camp are closely related and if you want to look at it only from one point of view and from one side, then it loses its importance and its explanation.

Q Doctor, you said that many prisoners which in the beginning of March were transferred from the bunker in the Boelke Kaserne to Dora were expertly bandaged?

A Yes.

Q Were these prisoners the last prisoners from the bunkers in the Boelke Kaserne which were returned to Dora?

A You must understand that from the 10th of January, 1945, I was in the bunker in Dora and many people and new arrivals came to Nordhausen and remained in the bunker and there they were treated at least as brutally as we in the bunkers in Dora.

Q Please answer my question. About the prisoners which you speak, which in the beginning of March were transferred from the bunker in the Boelke Kaserne to Dora, were these the last prisoners that were transferred from the bunkers in the Boelke Kaserne to Dora?

A Do you mean the ones that had been beat to death or the ones that were still alive, who had been transferred to Dora?

Q I am only speaking about those about whom you testified under direct examination, about those who were transferred and were bandaged expertly?

A That was the entire month of March and first days of April.

(Cesplva - cross)

Q And who had bandaged these people in the Boelke Kaserne?

A The Russians told me that that was the SS doctor in uniform.

Q They didn't mention a name, these Russians? Is that correct?

A The name of Dr. Schmidt I know from the bunker.

Q Do you mean the bunker in Dora, or the bunker in the Boelke Kaserne?

A From the bunker in Dora.

Q And what did you hear in the bunker in Dora about the name of Dr. Schmidt?

A I heard that an SS doctor in uniform treated the people and from other people I heard that there an SS doctor, SS Dr. Schmidt, had been assigned. Perhaps the prisoners who had been treated had heard this from theirselves.

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Q Was, i March or April, 1945 any other body transferred to Dora from the Bunker?

A It was told to me by Pullach after the liberation. He was the clerk in the prisoner's dispensary.

Q What did this Pullach tell you?

A That he wrote down the number of the dead and that the people had been beaten to death. That time there was no possibility of making an autopsy, because from the time of my arrest until the evacuation of the camp the entire camp lived in a terrible psychological tension. The camp Dora and all the other camps from the Gestapo Main Office, Niedersachswerfen and Nordhausen, was honeycombed with spies. The confidential men in prisoner uniforms worked very well and everybody was afraid that the next day they would hang on these gallows.

Q And this man Pullach told you after the liberation that there were still bodies sent from the bunker in Boelke Caserne to Dora who had been beaten to death?

A Yes.

Q What did he tell you about the death certificates which belonged to these dead bodies?

A That his laymens diagnosis of death caused by beating to death was never written down on the death certificate, but physical exhaustion, heart failure, etc. With this I want to say a lying or false diagnosis as these examples.

Q Who was supposed to have signed these death certificates?

A For the prisoners dispensary in Dora it was sufficient that a medical orderly signed it from the Boelke Caserne.

Q In other words then the medical orderly of the Boelke Caserne had signed these death certificates, is that correct?

(Cespiva-cross)

A Yes.

Q If a witness would come now and say that he had learned from you, Doctor Cespiva, the following: Doctor Schmidt was the doctor in the Boelke Caserne, the bunker in the Boelke Caserne was subordinate to him and Doctor Schmidt had signed false death certificates what would you say to this?

A That is highly probable for me too.

Q Did you tell somebody else that Doctor Schmidt signed false death certificates?

A It is possible that I stated this logical conclusion.

Q But if you have stated such a thing then it is only a conclusion of your own combinations?

A Yes.

DOCTOR AHSIM R: No further questions.

QUESTIONS BY DEFENSE COUNSEL:

Q Doctor I would like to review with you just briefly your dates of service in Dora and please correct me if I am not correct.

You arrived in Dora, I believe, in February, 1944, is that correct?

A Yes.

Q You served as a prisoner Doctor in Dora from February of 1944 to November of 1944 is that right?

A Yes.

Q In November of 1944 you were arrested and taken to Boelke Caserne Bunker, is that correct?

A Yes.

Q You were transferred from the bunker in the Boelke Caserne in January I believe to the bunker in Dora, is that correct?

A Yes.

Q Now I believe that you mentioned that for a short period of time you were also in the bunker at Nordhausen. Did you mean by that the period in the Boelke Caserne?

(Cespiva-cross)

A Yes.

Q If a witness would come now and say that he had learned from you, Doctor Cespiva, the following: Doctor Schmidt was the doctor in the Boelke Caserne, the bunker in the Boelke Caserne was subordinate to him and Doctor Schmidt had assigned false death certificates what would you say to this?

A That is highly probable for me too.

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A Yes.

Q Now I believe that you mentioned that for a short period of time you were also in the bunker at Nordhausen. Did you mean by that the period in the Boelke Caserne?

(Cespiva-cross)

A Yes.

Q Now Doctor, you have testified with regard to the poor food which the prisoners received in Dora?

A Yes.

Q There has been testimony in this court to the effect that among other items which the prisoners received was a ration of bread?

A Yes.

Q There has also been testimony that although the rest of the food was rather of a poor quality the bread itself was of good quality, is that correct?

A You are speaking about rye bread?

Q Did you agree with the testimony that the bread that was given to the prisoners was of a fairly good quality?

A I have eaten better bread in my life already.

Q Will you answer my question Doctor, to the best of your ability, without making any facetious comments? Will you please?

Was the bread, the bread that the prisoners received, was it fairly good quality bread?

A It was not first class bread.

Q Doctor how many calories are there in a gram of bread?

A I believe in one ten "deka"---

Q For a hundred grams, is that correct Doctor?

A In one one hundred gram bread there are 600 calories I believe, or are supposed to be.

MR. SIMON: Just a minute he specified the kind of bread.

A Rye bread.

Q Now Doctor are you referring to a bread of substantially the similar type of quality as that bread which was passed out in Dora?

A Yes.

(Cespiva-cross)

Q Doctor there has been testimony here that the minimum ration of bread issued to the prisoners was 400 grams a day?

A That is not true.

Q How much bread was issued to the prisoners per day?

A When I was in the bunker I received a half ration of that of the camp. Here are the witnesses. For instance Buchring, Palenta and Palenta can state how much I received.

Q Doctor I am not speaking about the particular rations you received when you were arrested, I am speaking of the rations normally issued to the prisoners working in the tunnel?

A As far as I know every prisoner received approximately 250 grams bread and the heavy workers' additional ration was for me a fallacy.---

Q We are speaking now only of bread Doctor not of sausage and of marmalade.

A ---because this marmalade and this blood sausage I was issued did not have any nourishment value.

Q Doctor, even excepting your figure of 250 grams as a ration for workers in the tunnel, that is the workers who were not doing heavy work, that is more than 700 calories is it not?

A If it would be good bread it would be true.

Q Didn't you just say that when I asked you specifically what kind of bread you were talking about we agreed it was the bread that was issued to the prisoners which contained 400 calories to the hundred grams?

A Yes. If we speak about the calory content then I desire of this court that I present here the table of nourishment, internation table of nourishment from Aschmann and Bergmann and then I will tell the court exactly as a Doctor, how many calories were in one gram of bread and then I will ask the Major to give us an exact description of what the bread that we received in Dora consisted of. Then this will be a scientific session.

Q Doctor, surely you don't need a table, the Aschmann, Bergmann table to give your opinion as to the number of calories that any ration contains do you?

Did you need the Aschmann, Bergmann table in order to give an expert opinion as to how many calories a ration contained Doctor?

Doctor, do you need the Aschmann, Bergmann Table in order to give an expert opinion as to how many calories a ration contains?

A No, but I must know the exact contents of the bread--what it consists of--the exact kilogram of flour and how many additional things were added in order to make this prisoners bread.

Q Don't you know that Doctor?

A Then we can answer this question.

Q Don't you know these facts Doctor?

A No.

Q Well, didn't you give an expert opinion that the calorie content was only seven or eight hundred calories?

Doctor, did you or did you not give us an expert opinion that the calorie content of the prisoners diet was seven to eight hundred calories?

A Yes.

Q Doctor, how did you arrive at that, if you didn't know the exact factors and the components that went into this diet?

A At least five times in Tora from a book, and that was Miller, "The Fundamentals of the entire Practical Medicine" and from those tables, we together with Doctor Kahr, we figured out the entire calorie content and I reported this officially as prisoner's doctor. That was one of the causes of death and the additional rations, that means fruit and vitamin rich vegetables caused the effect that the people lost their teeth and the entire food could not be chewed and the stomach and the alimentary canal had no

(Cespi a-cross)

opportunity of crushing this food and many valuable things were lost in this manner.

Q Let us get back to calories.

You prepared a report, you say, in which you made a very detailed study of the number of calories in this diet, is that right?

A Yes.

Q In preparing that report didn't you have to study what went into the diet pretty carefully?

A That was figured out in the camp and officially reported by the camp doctor.

Q You didn't figure that yourself, is that it?

A Not personally. We were three of us.

Q So in other words you just took somebody elses word as to what the calorie content of this bread was, is that right?

A Yes.

Q All right doctor, let us get to something else.

Now Doctor, you performed certain autopsies on prisoners who had been working in the tunnels?

A Yes.

Q You testified that in your opinion they had died of exhaustion?

A Yes.

Q To support this opinion you made the statement, I believe, that their heart muscles were like rags?

A Yes.

Q Now Doctor in what state of de-com----

A The heart muscle was like a piece of boiled meat.

Q By that I presume you mean that the heart muscle was very soft and practically disintegrated, is that right?

A Its consistency was not so hard as with a normal heart.

Q Doctor, now in other words you are telling me that in using this example you exagerated a little bit, is that what you mean?

PROSECUTION: I pray the court's judgement.

[illegible]: I will withdraw the question.

Q Doctor, in what state of decomposition were those bodies when you performed the autopsies? Approximately how long had they been dead?

A At the most two days.

Q Doctor isn't it a fact that cases of exhaustion the cardiac muscles get stronger instead of weaker because they are overworked?

A No. In exhaustion there is a state when the heart muscles come to a stage that is called heart hyptrophy, but if this heart work continues it finally comes to an acute dilation of the heart muscles.

Q Doctor---

A And thereby the walls of the heart chamber expanded and the walls became thinner.

Q Doctor what was the condition of the pericardium in these bodies that you examined?

A That didn't have to have a chance.

Q Was it changed or was it not changed?

A In individual cases I saw the pericarditis and the endocarditis and the origin of it was probably rheumatism.

Q It was not exhaustion, is that right?

A No.

Q Now Doctor did you perform histological examinations on these corpses?

A In two cases I sent the stomach contents, blood from the chamber, the urine contents and the muscle tissue. I sent it to the research institute in Jena. I never received any reply or if it did come it was never shown to me.

Q Now Doctor you did examine under a microscope a muscle tissue of some of these men who died from exhaustion, did you?

A No.

(Cospiva-cross)

Q Doctor, in your opinion is there any difference between the cells of a man who has died from exhaustion and one who has not?

A The glycogen content in special coloring and in a special coloring method can be determined, but there must be a microphysical examination, for instance according to quantity and in addition to that quality. There were only a few institutes in Europe who did this, but I believe that as such an institute during the war wouldn't have or wouldn't have done any work for a prisoner, particularly a dead prisoner.

Q Doctor, with the facilities that you had in Dora or any of the outcamps of Dora was it possible for you to determine by examining cells microscopically alone whether a man had died from exhaustion or not?

A No, that was not possible.

PRESIDENT: The court will recess for 20 minutes.

(Thereupon the court recessed for 20 minutes at 1000 hours.)

(Whereupon the court reconvened at 1025 hours.)

PRESIDENT: The court will come to order.

LIEUTENANT JONES: Let the record show that all the members of the court are present, the prosecution and defense are represented by counsel, all of the members of the accused are present in court, the court reporter and interpreter are in court; and during the last session Dr. Cespiva was on the stand under cross examination.

PRESIDENT: The court has appointed Michael Shaw as interpreter. He will be sworn.

(Whereupon Michael Shaw, U. S. Civilian, was sworn as court interpreter.)

PRESIDENT: The witness is reminded he is still under oath.

DR. JAN CESPIVA, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, continued to testify as follows:

CROSS EXAMINATION (continued)

QUESTIONS BY DEFENSE COUNSEL (continued):

Q Doctor, you have testified at some length on the question of the work tempo, and I do not wish to have you repeat any of your former testimony, but there is one question I would like to ask you. Do you know or did you hear during your stay at Dora that there were frequent work stoppages due to the fact that there was a lack of parts and they could not assemble these V-2's at any great speed?

A Yes.

Q Doctor, did you examine any of the bodies that were supposedly found under the floors and under the beds when the beds were torn down in the tunnels?

A I saw two of the bodies lying in the water.

Q Did you perform any medical examinations on them?

A No, they were burned.

Q Doctor, how many beds were there in your hospital at Dora at the end of your service, and before you were arrested? Approximately?

A Approximately 800 beds.

Q And approximately how many doctors were there working there at that time?

A Up to 30 in Dora, and some of these men were sent to out details.

Q And approximately how many nurses did you have, Doctor?

A Approximately 50, which I trained. They were laymen and not nurses by profession.

Q Do you know Mr. Ackermann who was a witness in this case?

A Yes.

Q And was he employed as a doctor or as a nurse, or in what capacity?

A He was a clerk who worked together with doctors and who would be present when bodies were dissected, for example, and he would take down notes. He was also the man who typed up the reports that were sent to Berlin and Dr. Kahr signed them.

Q Doctor, these approximately 800 beds which you had -- were they always full?

A Yes.

Q And, did you put more than one patient in these beds?

A The greatest number of patients we had in Dora was more than 1500.

Q You are speaking now of bed patients or convalescent patients?

A I am speaking only of patients who were confined to bed.

Q That was the greatest number that you ever had?

A Yes, but there were various sections, for example, a section for contagious diseases. Some of these sections required more beds and at certain times while an epidemic was raging, for example, up to three patients would be placed in one bed because it was impossible to place these patients with contagious diseases, into the section for purely internal diseases, or into the section for purely surgical purposes.

Q Well, did it ever happen, Doctor, that in the section where you had infectious cases you had more than one patient in the bed, whereas in

another section which was not of an infectious nature there was an empty bed?

A In my section there was always a lack of or shortage of beds. When the beds were empty, patients from the so-called reconvalescent block were taken in -- recuperation block. The translation should not be reconvalescent because these people were actually sick people for whom no beds were available. In civilian life it would have been necessary to quarter such people as we had in the recuperation block in a first class hospital.

Q Now, Doctor, which of these accused in this dock is responsible for this shortage of beds?

A I don't know. It is possible that the responsibility lies with a person who was in charge of health or sanitary conditions in concentration camps. All I know is that we had a special recuperation or reconvalescent block which was located up above the Block 39.

Q But you could not say -- can you, Doctor? -- that any one of these accused was directly responsible for your poor medical facilities; is that correct?

A I wanted to continue. The so-called reconvalescent or recuperation block was not finished for three months because no inmate for work was assigned to us by the labor service. I had to allocate the nurses and bath masters within the hospital for this type of work. For a period of two or three hours a day they first did the levelling of the ground and then actually participated in the building of the block. I personally worked there with a pick and a shovel. And this was probably up to Jacobi, who was supposed to build, or, have this built. In such a block I would have been able to quarter at least 180 seriously ill individuals.

Q No, Doctor, ----

A The labor service management could have used experts, carpenters in order to quickly accomplish the work. You can see that there is a close connection and that it is not possible to consider any of the accused here as an isolated individual not connected with all the conditions as they

prevailed in the camp. This was a minor example.

Q All right, now, Doctor, who was the SS officer who was primarily responsible for the medical and sanitary facilities in your camp?

A Dr. Kahr -- my superior; and Dr. Plazza before him.

Q Do you know, of your own knowledge, what steps, if any, Dr. Kahr took to improve these conditions?

A There the reports which were submitted by Dr. Kahr to Mrugowski at the D-3 office in Berlin. And I can remember also that reports were sent to Lolling stating that people were without coats in camp, that they were running about in ragged clothes and had to wear one set of clothes for as long as one to three months. It was also stated in these reports that they had no opportunity to wash themselves. And they also made a report about the spotted fever epidemic in camp. While this epidemic was raging a high ranking officer was sent down by the D-3 office. Dr. Kahr did everything that was scientifically possible, and I have to add here, that with our help. We as men who came from Auschwitz fought this epidemic over a period of 27 days. We were given bed linen upon his request. Before that time men in the tunnels lay on stones and had no blankets.

Q Now, Doctor Cespiva, in addition to these reports which Dr. Kahr made, did he make any requests or appeals to the administration in camp to improve or raise the medical facilities standards in camp?

A I think it would be better if Dr. Kahr himself would clear this matter up here.

Q Now, Doctor, I am just asking you if to your knowledge, if you know of any such requests or recommendations that he made to the camp administration?

A He turned in a request concerning the delivery of rest slips, and I thought he talked about the other one.

Q Do you know whether he requested additional buildings from the administration of the camp?

A I don't.

Q Doctor, why is it that these reports about which you speak were sent to Berlin rather than the camp administration?

A While production of these V-2, that is to say, secret weapons, was very important -- a situation which was used by Dr. Kahr so that he sent his reports not to the camp administration itself but directly to Berlin. It is very likely, however, that in an officers' conference with the commandant Foerschner and other camp officers he talked about the situation. I never was present during such conferences, however.

Q Now, Doctor, did it ever happen that some of the doctors, prisoner doctors, who were working under you showed a favoritism to some patients by taking them into the hospital when they were not as sick as some of the people who were turned away?

PROSECUTION: I pray the court's judgment. The doctors aren't being accused now.

DEFENSE COUNSEL: But this witness has testified as to the crowded conditions in this hospital and I believe we are entitled to try to show why some of these conditions existed.

PROSECUTION: Under that theory, I withdraw my objection.

A We as doctors worked with a good conscience. Wherever it was necessary or most necessary we interceded, and that was all the means that were available to us under the conditions such as they prevailed at the time -- I mean medical conditions. I know of no inmate doctor who sabotaged regulations or was lazy.

Q Will you please answer my question?

A If such a case had occurred I believe that it would have been reported to me personally by the nurse and I would have immediately undertaken measures against such people.

Q And no such case was ever reported to you, is that correct?

A No.

Q Now, Doctor, did it ever happen that either you or any of your other prisoner doctors gave out these rest slips to their friends?

A I said previously that these French doctors who worked in the section for internal diseases.

Q Excluding that one case which you have already testified about, do you know of any other case?

A If this happened at all it happened in the section for internal diseases and involved patients whom I personally did not examine.

Q Doctor, is it not a fact that doctors under you in many cases showed favoritism toward their friends by giving them these rest slips when they weren't entitled to them?

A The capo Proell and Dr. Kahr were so strict that, had such a case occurred and had it been reported to them, they would have assigned such an inmate to the worst work detail, that is all. And this would have been reported particularly because there was a certain rivalry among these sharply delineated national groups. It is highly likely that I would know about such cases.

Q Now, Doctor Kahr, you say, was extremely strict as to the behavior of his prisoner doctors. Now, did it ever happen that any of these prisoner doctors beat up patients that reported to the dispensary and chased them away?

A I know of no such case.

Q And if such a case had happened you would know of it, would you not?

A I think so, because I was always on the recuperation block 16. I had only been ill for a short period of time, but I believe I would have found out about this although I was in bed; and I can not give you any information as to what happened during the time I was in the bunker.

(CESPIVA-Cross)

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(CESPIVA-Cross)

Q You mean by that, Doctor, that during the time you were in the tunker you lost touch with the things in the camp outside, is that right?

A Completely as far as the dispensary and the hospital are concerned, because the Gestapo knew that quite a bit was up in the hospital building.

Q Dr. Kahr also had under his general administration the doctors who worked in the outcamps, is that not so?

A Yes. First of all, they were under the jurisdiction of his own doctor, and secondly the camp doctor at Dora.

Q And if Dr. Kahr had received reports of any prisoner doctors beating prisoners in the dispensary and in the outcamps and chasing them away, he would have taken disciplinary measures, wouldn't he?

PROSECUTION: I pray the court's judgment. That is a hypothetical question.

PRESIDENT: The objection is sustained. The witness will not answer.

QUESTIONS BY DEFENSE COUNSEL:

Q Did you ever hear of a case of any case of a prisoner doctor in an outcamp beating prisoners and chasing them away?

A I personally was at Ellrich and Harzungen, and I never heard either from the camp of the hospital building at Ellrich or at Harzungen that somebody had been beaten and chased away.

Q Did you ever hear of that situation in any other camps besides Harzungen and Ellrich?

A No.

Q Would such a situation have been reported to you in the course of your duties?

A No. If such a thing had happened, it would have been reported to Dr. Kahr and not to me. I was an inmate doctor in Dora only.

Q The inmates who were under your supervision were just those in Dora, is that correct?

A Yes. I merely made inspections to outcamps for surgical reasons.

The prisoner doctors in the cute a s were not under your supervision, is that right?

A No.

Q Now, Doctor, you testified as to your stay in the bunker at Dora. Did you not say that in this same bunker that an interpreter lived?

A Yes.

Q There were 85 men who lived there, were there not?

A Yes.

Q There was an SS prisoner in one of the cells, wasn't there?

A Yes.

Q And all of these people who lived in the bunker were subjected to the same conditions, for example, I believe you said there was no central heating. They all suffered from that, didn't they?

A I think the SS men were given a different diet.

Q Well, I am speaking now of this lack of central heating, Doctor, that you mentioned.

A The central heating, Yes.

Q This lack of central heating was suffered by all who were in that bunker, is that correct?

A In front of every cell it was possible by using a key to turn off the central heating.

Q And do you mean by that, Doctor, that the central heating was turned off in just some cells but even in others?

A As long as I was in the bunker there was no heating in my cell.

Q Doctor, do you know why the other men were a prisoner in the cell?

A I am not well informed.

Q How many prisoners would you say were in your cell Number 8?

A 15 at the most.

Q You mentioned, I believe, the names of four of them, is that right?

A Yes.

(Cesriva-Cross)

Q Now, Doctor, you mentioned in your direct testimony on several occasions the rebellion in the bunker. Will you please explain to us what that rebellion was--when it occurred?

A On the 5th of March 1945 in a cell. In the cell in the right wing of the bunker those men had been locked up who had been sentenced to death, and in the evening during the so-called evening report or evening roll call they broke out of their cell and attacked the SS guard and Malenta. They attempted to beat the SS men and to fight their way through the bunker. A few of these ran away. I saw four of them leap over the gate of the bunker. These men, however, were caught inside the camp and hanged. The others who remained behind inside the bunker were shot at, seriously injured, and beaten to death with a heavy instrument.

Q I believe it was on that occasion, was it not, Doctor, when you testified that Grinko was killed?

A Yes.

Q And it is a fact, is it not, that during that rebellion these prisoners attacked the guards in the bunker, is that not true?

A Everything that I tell now was told me by Malenta, some of it by Hillam, and some of it by Max Eckert and Gustav Grund.

Q Doctor, this hanging which you saw--I believe you saw a mass hanging, did you not?

A From my cell I only saw this part of the gallows on the roll call square (indicating).

Q Did you see the top part or the bottom part?

A The upper part.

DEFENSE COUNSEL: Let the record indicate that the witness is pointing to the upper part of the gallows just above the nooses.

PRESIDENT: That refers to Prosecution Exhibit 1-24?

DEFENSE COUNSEL: That is Prosecution Exhibit 1-24.

THE WITNESS: I had to climb up on a board, and I heard the numbers of the men that were being taken out of the cells. I also expected my number

(Cooper-Cross)

to be called.

Q Doctor, was this hanging before or after this rebellion?

A After the rebellion.

And were some of the prisoners who participated in this rebellion hanged at the time?

A All the inmates who had not run away from the bunker were dead the same moment. I did not see anyone of the occupants of that cell out of which they had escaped alive.

Q How about those who had managed to escape and were recaptured—were they hung at this hanging which you saw?

A I didn't see them being taken back into the bunker. The outer shutter of my window had been closed by Kilian.

Q Was that his whole answer?

A Consequently I could not see at this time from the window who was coming into the bunker or who was being taken out for execution. Up to that time I had been able to observe those who had been recently arrested and who were new additions in the bunker.

Q Doctor, this model gallows, Prosecution Exhibit 1-24, is that a model of the gallows that was next to the bunker and the top of which you could see from your window?

A Yes.

Q Now, you testified, Doctor, also that you saw or were present at some other hangings, do you recall that?

A Yes.

Q Now, will you tell the court again please at which hangings it was that you were present?

A I was in the wood yard at least twice, and then I saw two executions on the roll call square. At least four inmates were hung at one time. These men had been tied one behind the other and to each other, and the men

who was on the extreme right waited to arm himself with [illegible] and when he was already hanging. I shall never forget that sight.

Q Doctor, were you officiating as doctor at those executions?

A Merely as an inmate. I was chased into the wood yard.

Q Which doctor, if any, was officiating at those hangings?

A I once saw Dr. Kahr on a Sunday afternoon sometime toward the end of March or the beginning of April, I believe. I once saw Dr. Kurske come into the bunker, pass through the bunker, and walk directly to the gallows. The officers, the SS men had been there for some time, and Kurske was late. Kurske and Grund were present at that time, and I once saw Boser at the bunker.

Q And this hanging which you saw in the roll call square, Doctor, were you the official doctor at that hanging?

A I never was.

Q Who was, Doctor?

A That was Dr. Kahr on the roll call square, and two of them wanted the camp eldest to do the dirty work, I mean the actual hanging. They didn't want to do it, so they were demoted and somebody else--I forget just who else, but Boser will know that the dispensary capo did it, and Karl Schwarzer was capo at that time, and Kahr sent Schwarzer away.

Q Now, Doctor, what other hangings were you present at besides the three you mentioned?

A That is four so far.

Q And is that all the hangings which you saw or witnessed?

A The hangings which I saw, I saw by chance, I didn't consider to be a show.

Q Doctor, in other words, if I understand you correctly, every hanging which you ever mentioned, there was an SS doctor officiating, is that correct?

A I did not see an SS doctor in the wood yard during the spring of 1944. Others was present during those executions.

Q Was there a doctor there of any kind?

A No, no doctor.

Q Doctor, you mentioned that the prisoners were asked to perform some of these hangings, and when they refused they were demoted, is that correct?

A Yes.

Q Is it your opinion that prisoners were also forced to work for the SS under threats?

A I am sorry, I never worked with the SS, and my only knowledge of the SS derives from my stay in the bunker and my interrogation. I was a prisoner of the secret state police from 1941 until the end but no Gestapo commissar ever approached me and told me that I should collaborate with them. It would have been a futile attempt in my case.

Doctor, I was speaking about the -- was one of prisoners in general. Were any prisoners by your knowledge forced to work for the SS or threats of their lives?

A I knew nothing of such threats.

Doctor, where was this term "Stehbunker" for punishment used?

A What do you mean?

Do you know of a term like that was used to punish people by making them stand there for long hours

I once saw an inmate standing on a pile of rocks on the right roll call square so long from rain.

Doctor, did you learn during your stay in the bunker whether or not some of these executions were performed by the political section, particularly by Gestapochief Mueller or not?

A Do you want to say that the executions which took place in the bunker were carried out by order of Mueller?

Q No, my question is whether, during your stay in the bunker, you ever obtained knowledge that some of the executions and interrogations were conducted by the political section as distinguished from the Gestapo?

A I was with a group which was interrogated only by the gestapo and all those men who had been in the same detail as I had been were interrogated by gestapo men from Niedersachswerfen, Nordhausen and Niemar.

Q Did you come in contact at all with M/Sgt. Jacobi?

A Never.

Q Did you ever hear of him?

A No.

Q Do you know whether or not prisoners were allowed in the interrogation rooms, except when they were being interrogated in the bunker?

A No. All the inmates who were locked up in the bunker were taken into the interrogation room only for interrogation and consultation, only I was taken there myself by Max Deckert, Goebe and Buehring in order to apply bandages and to give medical care.

Q On those occasions did you enter the interrogation rooms?

A Yes, and very often for a consultation with Russians, Poles and Czechs.

Q But, except for those occasions, it was strongly forbidden, was it not, for prisoners to enter these interrogation rooms?

A Only Walenta had free access to all the interrogations, and Kilian's presence was suffered. All the SS men could either be there or could be in the room immediately adjoining, and later also a Russian interpreter. Walenta conducted the interrogation by himself.

Q Do you mean that an interrogation was conducted by Walenta without any other gestapo member being present?

A I think that Goeba was such a boor that he couldn't even write as an intelligent person, as Buehring. Walenta would conduct an interrogation and Gerba would stand about looking like an ox; that was a guard,

the tunnels. The

when the water main had been com-

group.

And the persons who did the physical work, the murders, Malenta's method was more intelligent, than that employed by Wehring, Gogba and some others. All they know is the ox tail and two words, yes and no. I did not observe them employing a different method.

Q Did you observe Malenta conducting one of these interrogations, Doctor?

A I was present for at least ten minutes. There was a look-up which consisted of two parts, standing in the right hand corner of this interrogation room and I kept my medical supplies and bandages and a chest with medical supplies in it. And once I was there while a consultation was going on with an engineer from the tunnel who wanted to know something about a high frequency apparatus for me. There was also Chaloupka and two Russians from the so-called mineral water detail present.

Q What was this mineral water detail?

A This was a small transport detail which had been organized at a time when there was no water and which took mineral water bottles into the tunnels. The mineral water detail was active during summer of 1944 when the water main had been completed and it worked for the SS officers' group.

Q Who drank this mineral water? Or was it for drinking?

A Of course.

Q Who drank it?

A SS men.

Q Only SS men, is that right?

A I never had any of it.

Q Did any of the other prisoners have any of it?

A It was possible that it could be obtained illegally.

Q Now, Doctor, why were you arrested on the second of November, of 1944?

A Because the gestapo had received reports that an international

committee for the defense of the camp was in existence should the SS undertake an attempt to annihilate the entire camp.

What did this man Chaloupka build these radios out of?

He used parts which were used by a detail in Nordhausen for the manufacture of car radios. The Russians in the tunnel stole parts for the radios and turned them over, or took them along as a present for the capo of the hospital. This is something I found out later. He committed suicide because he was afraid that for this particular reason he would be interrogated by the gestapo.

Doctor, this radio that was built from the parts that were stolen by the Russians, was that the same radio that Chaloupka built?

A No, no.

Q In other words, there were several radios constructed in the camp; is that it?

A No.

Q How many?

A Dr. Kahr placed a radio at our disposal at a noon break when he had come to the SS dispensary he had forgotten his radio, a Lorenz superhetrodyne in the dispensary.

Q Doctor, this radio that Chaloupka built, where was that used?

A In a basement of the hospital.

Q That was built from parts which the Russians stole in the tunnel?

A No. Chaloupka was in a special detail which repaired radios of SS personnel, such as Prinkman, Moeser; for all officers. I also saw a big Telefunken Diplomat radio-being repaired for Foerschner. And it is possible that when these repairs were made certain parts were retained by Chaloupka and those were the parts he could make use of later.

Q And this radio which he constructed which was used in the cellar of the revere or dispensary, for which SS man did he build that? (Cospiva - cross)

That was made up of all sorts of different parts which he had collected.

And for which [illegible] man did he build it?

He built it for himself.

Was that a secret radio?

Yes.

Was it a sender or a receiver?

Receiver.

(PRESIDENT: Court will recess until 1330 hours.

(Whereupon the court recessed at 1200 hours.)

AFTERNOON SESSION

(Thereupon the court reconvened at 1330 hours.)

PRESIDENT: The court will come to order.

PROSECUTOR: Let the record indicate that all members of the court are present; all of the accused are present, the reporter and the interpreter are present; prosecution and defense are represented by counsel.

At the end of the last session the witness Cespiva was under cross examination.

PRESIDENT: The witness is reminded that he is still under oath.

DR. JAN CESPIVA, called as a witness by the prosecution, being duly reminded that he was still under oath, resumed the stand and testified further through an interpreter as follows:

CROSS EXAMINATION, continued.

QUESTIONS BY DEFENSE COUNSEL:

Q Inotor these copies of the death books, Prosecutions Exhibits P-32, P-33 and P-34, who copied the original death books out of these books?

A From the time that I was in the dispensary I employed Pollach as the clerk. Before my time these were the only death books that were written in here. I gave an order that Pollach should write a regularly heavy book and in this book he should copy all the deaths from the beginning and then when he had done this I told him that he should keep the death book in two copies. One the main book, the new book and continue writing in the notebooks for a second time. It is possible that the SS destroyed the main book at the end. I told him that if anything should happen to me he should hide this and when he returned home and I did not he should take this up again and use it, and that is Pollach who from his employment in the dispensary kept the death books.

Q To these three notebooks, Prosecutions Exhibits 32, 33 and 34 include all the information which was in the big book, the "hauptbook" as you call it

A Until the end of June or the beginning of July, everything. After this period of time Pollach only entered the deaths of Czechs in the third book in the back.

pld-128-2

When the Gestapo came to the dispensary for the first time in summer, 1944 the danger existed if somebody should find this they would hang the writer. That is why I told him that he shouldn't continue to write this because the situation against us was becoming increasingly dangerous. That means against us who were working in the dispensary.

Q Doctor, these entries which were made in this main book were they original entries or were they copies of something else?

A Those were copies of death reports. That is from official death reports which came into the dispensary.

Q In other words these books which are here in the court now are copies of a copy, is that right?

A No, that is a copy of the original.

Q Copies directly from the death certificates?

A Yes.

Q They were not copiesthen from the main book, is that right?

A That was written at one time, the main book and at the same time the notebooks, but the official death book was the big book which is now in France in the Ministry of War and in the second department. The man who rescued this book is Georg Grefler.

Q But now, Doctor, these books contain information on deaths which had occured prior to the commencement of the preparation of these books, isn't that true?

A Yes, but that was all copied from the beginning.

Q And copied from where Doctor, or what?

A From these notebooks.

Q The records, Doctor, which are entered on these books as to deaths which occurred prior to your coming to the camp, where were those records copied from?

A The first book, number one here, the first notebook, in this the

(Cespiva-cross)

deaths are recorded from the beginning are about bodies which were sent to Buchenwald to the crematory. At that time we didn't have a crematory as yet.

Q All right, Doctor. I now show you Prosecution's Exhibit P-32 which is the death book numbered Number One. Now will you please point here to the first entry of a death that occurred in this book?

A The first official report of a death was the death of Anton Hrimenko on the 16th of October, 1943.

Q Now Doctor that means that this man died on that date is that correct?

A Yes.

Q What date was this entry written into this book?

A I was not in Dora as yet.

Q Was this book prepared before you came to Dora, this particular book?

A Yes.

Q Didn't you---

A This was the original death book from the beginning.

Q Didn't you testify that this book was prepared along with the other two by Pollach upon your orders?

A That is a mistake as far as languages are concerned. I would like the Czech Interpreter.

The story of this book is the following: I came to Dora on the 11th of February, 1944. Up until this time this so-called death book was kept in Dora. I do not know the writer who wrote this book, but Pollach knows him personally.

A few days after I came Pollach was assigned to the prisoner's dispensary as the prisoner's clerk. Since that time he wrote with his own handwriting in these notebooks and on the same day when he received the body

(Cespiva-cross)

and the death report he made the entry in this notebook. He was the responsible clerk for this matter. He was the so-called "roll call clerk of the dead", and because it was possible to lose the notebooks in this manner I told the depot of the dispensary that we should write up a well bound book with the recommendation that all the deaths which occurred before I had come to Dora which were in this book should be copied into a thick good book, but to continue to make entries in these other notebooks for my personal use in the event that somebody from the camp administration should decide to destroy the camp.

Pollach was not the only one who knew where this was hidden. What was purposely reported to many Czechs because it was the greatest possibility if many people knew about this book that somebody out of this group would remain alive and he could then, after our death, use these notebooks at responsible places.

That is a short story of these notebooks.

Q Now Doctor there are entries, in this one book at least, about which you have no personal knowledge, is that correct?

A Yes.

Q And was this book kept as an official record by the SS administratio

PROSECUTION: I pray the court's judgement. He has told in detail how these books were kept and we are going into it all over again. I ask the court's judgement.

DEFENSE COUNSEL: I just want to know whether it is an official record or not?

PROSECUTION: He said it was "subrosa" after a period of time.

PRESIDENT: The objection is overruled.

Q Were these death books kept as official record of the SS by the administration?

A No.

Q Did the administration know the existence of such a book?

PRESIDING JUDGE: I pray the court's judgement on the question. What is the administration?

PRESIDING JUDGE: Any of the leaders of the camp.

A If they would have known about this it is highly probable that Kilian would have gotten me into his hands and before that Buehring and Sander.

Q How about the big book into which this material was copied? Was that--where was that kept?

A In the prisoners orderly room in the dispensary.

Q Was that hidden somewhere in the room?

A No.

Q Well, in other words then some member of the administration did know that a death book was being kept, isn't that true?

A That has to be kept, this death book in form.

Q I asked you whether that was an official record kept by the administration?

A When?

Q I believe, Doctor that we have a misunderstanding between us as to the copies and the original book.

Now, my question is this: Until the time that the big book was started this was the official death book, isn't that correct?

A Yes.

Q And the SS knew that this little book existed did they not?

A Yes.

Q When this book was copied into a big book, was it not?

A Yes.

Q How did you make this book disappear without reporting it to the administration?

A That was the matter of Doctor Kahr and he didn't pay any attention to it if this book was burned or not and in my opinion he didn't know until

(Cespive-cross)

his arrest that those notebooks had come into the light.

Q Now there was a record which you mentioned in one of these books Doctor which was the record of seven Italians who had been shot?

A Yes.

Q Did that occur before you arrived in Dora or after you arrived in Dora?

A Before my arrival in Dora.

Q How do you know, Doctor, that that record then is correct?

A There are people who are alive he will probably come after me who have seen seven Italian prisoners of war as they were being taken to the so-called "wooden courtyard" and in back of these young prisoners of war some people came, some part of this gang here with rifles.

Q Did you see this Doctor?

A That was no small matter for us even for us prisoners if one sees such helpless prisoners of war are executed.

Q Did you see this incident yourself?

A I heard about it.

Q So this entry in this record you just heard about, is that right?

A I read that.

Q Now, Doctor, the entries that were made into this book were all the deaths that occurred in Dora, is that right?

A Yes, and when later on the outside camps were set up, then all the deaths which came to Dora with a death certificate or with a death report were entered there.

Q And the causes of these deaths was entered into this book, were they not?

A No, only the department or where the people had died, and from this fact it can be established from which group of diseases or sicknesses were concerned.

Q Now, there were also certain symbols that were used in that book to determine the cause of death, were they not, Doctor?

A Not symbols. Those are the departments or sections where they died. That means in the surgical department nobody died from typhus, for instance, and nobody died of appendicitis in the contagious department.

Q You testified on direct examination, Doctor, that where a man was hung or where a man was shot that a certain letter was used to indicate that fact in the book, isn't that right?

A Yes.

Q That is what I had reference to, Doctor.

A That is true.

Q Now, these causes then of death that were written in that book in the way of symbols -- who determined that? From what was that taken -- from the death certificate?

A The clerk who saw the dead body of the man who was executed -- he saw if he was shot or whether he had been hanged. For this, one didn't

need to be a doctor. And he entered it then.

Q So, in other words, the man who entered those entries in this book, who listed every corpse of every man who died, in form, is that right?

A Almost all. Only the last transport, this comes from the eastern camps, he did not undress; he only counted his number and his suit he left on because the danger existed that he would infect himself with lice which could be carried over or which were in the incubation time of the typhus. I am not surprised that he did it in this manner.

Q Now, in other words, Doctor, the entries as to the cause of death are the conclusions of the clerk who entered that data into that book, is that right?

A With every corpse a death certificate had to be officially written -- that is, loss through death. And these death certificates from the outside camps were to be or should have been, at least, signed by an SS non-commissioned officer and the cause of death should have been signed, a co-signature, by the prisoners' doctor who either treated the patient or who had seen him for the last time.

Q Well, now, Doctor, the cause of death that was written by this clerk -- was it the cause that appeared on the death certificate, was it the cause which he himself determined by examining the body?

A There are no causes of death entered there except those of shootings and hangings. I will describe it once again.

Q That won't be necessary.

A I will take one book ----

Q I won't need that. Now, about this entry that was in this book, Doctor, that had to do with people who had returned from a leave that I think you called "rest" -- were those people dead?

A The entried from the rest block, that was no.

Q Well now, answer my question. Were the people who were entered there -- were they dead or were they not dead? That is all I want to know.

A That is -- naturally, they were dead.

Q That is all I wanted to know. Were they dead at the time that

the entry was made into the book?

A Yes.

Q Now, were there ever any false death certificates made in Dora?

A I don't know anything about this. With us it was this way: that the diagnosis was copied from the fever chart which the patient had next to his bed, and with this fever chart a report went to the orderly room in the dispensary that somebody had died, and Dr. Kahr received that into his hands and officially a slip was made out reporting loss through death from our dispensary.

Q How about people who were beaten to death in Dora? Was that fact always reflected on the death certificate?

A No.

Q Well, then, there were false death certificates made at Dora, isn't that true?

A When to us in the camp a dead body in the camp in the tunnel they found a dead body, the capo or the detail leader officially reported that this man had died and this death report, naturally we didn't write any death report if the patient hadn't died in the dispensary. I can't or any other doctor can't sign this. We had to take the diagnosis which was entered on this death certificate; we could'n't change this one that was officially written on this death certificate. We entered it in the death book, but many cases which came into the dispensary we reported to the camp doctor, also Dr. Koenig -- that is not this one here from the motor dispaton pool -- and we emphasized that that so and so many people had been beaten and fell out of the working process. That was the only possibility which we had at that time -- the only reaction which we could hope to attain.

Q Well, now, the hospital death certificate, Doctor, which was made in Dora -- I am speaking now of the official death certificate, that had to be signed by the SS doctor, did it not?

A Yes.

Q And did the diagnosis that appeared as the cause of death on this official death certificate in cases of men who had been beaten to death -- did it show that fact? Did it reflect that fact?

A The camp doctor wrote other diagnoses than those that were entered on the death certificates for their use. There two diagnoses figured -- one on a slip signed by a non-commissioned officer which stated "entero-colitis" or "body weakness," and the camp doctor wrote "through mistreatments" or "beaten to death" with his signature, and in this way Dr. Kahr came into opposition to the camp administration and the SD. That was the case, for instance, with Wiener. We had many people who had been beaten by Wiener and they were lying in my department. I reported this and Dr. Kahr had Wiener called to the dispensary to report. I was sent out of his office and Dr. Kahr spoke with Wiener. Do you understand?

Q I understand, but let's get back to death certificates, Doctor. Let's suppose, Doctor, that a man is beaten in the tunnels and he is beaten to death and a death certificate has to be prepared for that man, an official death certificate which the SS doctor must sign. Now, did that death certificate have as a cause of death "beating" or did it have another cause of death?

A Beating.

Q And that was determined by a diagnosis made by whom?

A Either from him --- If these incidents occurred, we escorted Kahr into the mortuary and there we showed him the causes.

Q That is what I wanted to know, thank you. Now, was that same situation true for deaths which occurred in the bunker at Dora?

A Yes.

Q Now, the deaths that occurred in the bunker in Dora -- one copy of the certificate had to go to the Gestapo in Niedersachswerfen, isn't that true?

A Yes.

Q And do you mean to tell the court that the death certificate that went from Dora to Niedersachswerfen for deaths which occurred from beatings

in the bunker at Dora were also signed and the death was given correctly -- the cause of death was given correctly?

A ne incident which occurred during my presence in the bunker is known where Dr. Kahr took a strong position against the D. When the Gestapo beat a person to death in the bunker it had the following interests: for its superior office, the office Weimar, they had to have an excuse why they hadn't finished the record with this person to the end. They couldn't say that they had let this man go free because the records that had gone prior to this were very incriminating for the prisoner in question and, therefore, it was better for the Gestapo if they wrote that the prisoner had died. And that is why the death is written that this prisoner had died due to a false cause of death, but they had never for the main office in Weimar a diagnosis which was signed by an SS doctor. That is why they needed a diagnosis signed by Dr. Kahr which was entered on the death certificate. There was a controversy. On his official death certificate Dr. Kahr wrote the results of his autopsy and then Gestapo leader came to Dr. Kahr and requested from him a change in the diagnosis on the accompanying slip. This was not done and for this reason an investigation was made against Dr. Kahr by an SS Major from the main office of Weimar, and that was the reason as well why Dr. Kahr was transferred to a so-called fighting unit.

Q Doctor, to your knowledge, were the death certificates for people who had been killed in the bunker by beating and which were sent to the Gestapo office at Niedermachtenfen -- were these death certificates correct as to the cause of death or were they false?

A In what period of time?

Q During the time you were in Dora, or at any time that you know about?

A From us, the prisoners doctors, we always reported the cause of death as beatings to Dr. Kahr in the so-called daily report.

PROSECUTION: I want him to answer the question.

(CESPIVA-Cross)

DEFENSE COUNSEL: I do too.

If the court please, instruct the witness to answer my question.

PRESIDENT: The witness will answer the question.

A False.

Q Thank you, doctor, these death certificates for the people who were burned secretly in the crematory at night, who signed those?

A I knew two people, and I just happened to know about those two. Those who were burned with whom I spoke daily for three-quarters of a year. They were doctors to death, and were no where in the daily report or in the official report.

Q Doctor, were those people burned in the crematory secretly at night?

A Yes.

Q All right, go ahead.

A And I never found the name of Albert Kunse, and I never found in the official daily report, in the official report where all executions were entered. I looked, I searched a case for three days and I never found the name of Albert. In this period of time I also did not see any report which was nameless. I have never understood. I also never found a death report which referred to this particular period of time and where no name was entered only so that the strength report should be correct during roll call.

Q Who signed the death certificate for this man Albert? If you know?

A If there would have been a death certificate signed, this man would have been entered either as nameless or with the name of Albert Kunse in these records. That I didn't find.

Q In other words, as far as you know, there was no death certificate prepared for those people that were burned at night in the crematory?

A It is simply possible.

Q Doctor, those deaths that occurred in the bunker in Zellbau Lagerone I am talking about and which were reported falsely as to the cause of death, did you have an opportunity to compare the death certificate with the body--did you see both?

A No.

Q How do you know then that the death certificate had a false cause of death on it?

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A ...hen I came out of the bunker on the 4th of April 1945 ...to the dispensary I asked Polak what is ...posed to ...e...e such people, and he told me that he ...t ...e ...e...h ...ses ...ich occurred as a result of beatings and the death certificates ...owed a different diagnosis. ...at is ...w I know.

Q Now, Doctor, you have just said that some of those deaths which occurred in the bunker in Dora and which were reported to the Gestapo at Niedersachswerfen contained false statements as to the cause of death in the death certificate. Who signed those certificates if you know?

A That was Dr. ...ahr in one case, but I know that Killian in the bunker has got the people and had rather been beaten to death or were unconscious and that at those ...ngs ...drus Spitzer was present as interpreter. That was also one matter at which ...fortunate bodies were disposed of. They were hanged and that the cause of death was given "death by hanging".

Q Isn't it a fact, Doctor, that Sergeant Sander and Lieutenant Hoesser and Lieutenant Colonel Bisenoff and Bearing were superiors?

A According to what I notice, Sander was the first superior. That means the situation of the Gestapo in my vicinity was the following. Gestapo office, Niedersachswerfen and Nordhausen was the executive office of the security service. They beat, they beat to death and they hanged.

Q Doctor, just a minute, was Sander superior to Bearing?

A Yes.

Q Was Bisenoff superior of Bearing?

A He doesn't have anything to do with these security services, that was something entirely different from the Gestapo. You are probably misinformed about the organization of the Gestapo and security service.

Q Doctor, do you know whether Bisenoff was a superior of Bearing's?

A No. Gestapo office of Niedersachswerfen, Sander, he was the man in charge of the Gestapo in Niedersachswerfen. Sander had here on his left hand the SL, and this was a man from the executive officer not a security man.

(Cooper-Cross)

The security service leader for the Mittelbau was Bischoff. He had a net of confidential men and was doing counter-espionage, and if he got hold of a fact, he reported it to the main office in Berlin. [illegible] an order came to the Gestapo office in the executive office in Nordhausen and to the Gestapo office in Sondershausen which was the competent office for our camp.

PRESIDENT: I pray the Court's pardon, both as to the witness and as to the defense. Neither one of them knows the difference between the Gestapo and SD. I know enough to know that neither one does from what I hear in the court. I suggest that we cut all of this out. I surely don't want to go into the Kripo and Sicherheitsdienst. I am an expert on that as I defended the Kripo and Sicherheitsdienst. I defended that much.

PRESIDENT: It appears to the court that many of the questions of the defense counsel can be answered without lengthy explanations, and the witness is directed to make his answer as brief as possible without any further explanation. You will translate that and the court will thus proceed.

(Thereupon the interpreter did as directed.)

PRESIDENT: The court will recess for 15 minutes.

(Thereupon the court recessed at 1445 hours.)

* * *

(Thereupon the court reconvened at 1500 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all the members of the court are present; all of the accused are present; the defense and the prosecution are represented by counsel; the reporter and interpreter are present. The witness Caspiva at the end of the last session was under cross examination.

PRESIDENT: The witness is reminded that he is still under oath.

DR. JAN CASPIVA, called as a witness by the prosecution, resumed the witness stand, and being reminded that he was still under oath, testified further through an interpreter as follows:

(Caspiva-Cross)

people who were hanged before they were cut down?

A No.

Q By that you mean you did not see it or they did not do it?

A That they didn't do then.

Q What were their duties there—what did they do?

A It is probable that they were ordered to this execution, but they never established the death when I was there.

Q Now, Doctor, do you know whether or not Julian and Zwiener performed as hangmen because they were forced to do it by the SD?

A I know that Willi Zwiener volunteered for this hanging.

Q How do you know that, Doctor?

A From witnesses who were standing directly among the leaders, among the SS men and Zwiener. That was Georg Thomas, Szymczak, the former camp eldest, the first and the second.

Q Were you present, Dr. Cespiva, on the occasion when Zwiener volunteered for a hanging?

A No, they told me that.

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q Doctor, you testified on direct examination about the accused, Jacobi. Did you know a man, the Master Sergeant Mueller?

A No.

Q Did you ever hear that Jacobi was often mistaken for Mueller because they looked alike?

A No.

Q Do you know for what act or acts Jacobi got the Iron Cross which you mentioned?

A No.

Q Doctor, at these hangings which you witnessed and which doctors were present, did you observe whether or not they examined the bodies of the

Q as that the occasion when Szyauat refused to perform the hanging and volunteers were asked for?

A Yes.

Q And isn't it a fact that the man who volunteered to perform that hanging was not Wagner but a man by the name of Ritter Wehner?

A That I didn't hear.

Q Now, you mentioned that one of the characteristics about Koenig, in testifying about him, was that he never beat them on the face but hit them with the palm of the hand on the throat or neck, is that correct?

A Yes.

Q How about this man whom he is supposed to have struck in the face and fractured his cheekbone then? Did he do that with the palm of his hand, too?

A The prisoner was lying on the ground and he kicked him with his foot.

Q Now, Doctor, when you were arrested on the second of November, isn't it a fact that six other people were arrested at the same time?

A Six?

Q Well, others were arrested at the same time?

A At least thirty.

Q And most of these people who were arrested at the same time were Russians, were they not?

A No.

Q What nationality were they?

A The majority were Frenchmen.

Q Now, all of you who were arrested were suspected of being part of a resistance movement, is that right?

A Not that we participated in it but that we only spoke about it. Up to this period of time they had not done anything.

Q Now, you were confronted with a Polish citizen by the name of Dubinsky?

A Yes.

Q And you accused him of being a member of the resistance movement, is that right?

I never accused anybody during my interrogations, and nobody was arrested due to my testimony.

Why was the recommendation made for a special treatment of your person and sent to Reinar?

A Because I was a member of the so-called protectorate, and at that time the members of the protectorate had the same rights as the Reichs Germans.

(Continued on page)

Only Wassili

Now do you recall an occasion soon after your arrest in which there was a rollcall of all prisoners in the camp?

I was not present. I was in the bunker in Ordhausen, Heinkel Kaserne.

So you know about the existence of such a rollcall?

Yes, that was told to me.

Isn't it a fact that the people who were arrested at the same time as you, at that time identified the rest of the people who were in the resistence movement?

The first one who spoke was Nikolai Betrenko. They beat him day and night in the Boelke Kaserne and in my opinion four days later, or perhaps even later than that they broke down his resistence. That was because for the first wave of arrests after my arrest.

Isn't it a fact that Wassili Shumacher, Simeon Grinko also broke down and confessed to being members of the resistence movement?

Only Wassili Shumacher. Simeon Grinko I treated him in the bunker in the Boelke Kaserne until my return to Nora and he told me everything. He was confronted by these two, but he didn't betray anything.

And didn't these two also denounce you as being a member of the resistance?

That I don't know.

Didn't you confess to being a member of this resistance movement after being repeatedly interrogated by the gestapo?

I said that I had some sort of a duty in this resistance movement but I did not know the goal of the resistance movement.

Isn't it a fact that all the people who were arrested with you and all the people who were denounced later by the people who were arrested with you, were either hanged or killed except you?

No.

Who else was not hanged?

(Testimony - Cross)

A Johann Chaloupka, Jean Jacques Poupault, a Frenchman, Paul Chandon Moet of Epernay, Col. Debonmarche, the chief of the Postal Telegraph Telephone of Paris.

PROSECUTION: I pray the court's judgment. Not to the answer which was directly called for by the question, but to the latest line of interrogations. It is immaterial to the issues in the case and certainly if it is being put in for the purpose of discrediting the witness it is not the way to do that.

DEFENSE COUNSEL: Defense will discontinue the line of questioning.

WITNESS: Shall I continue to—

PRESIDENT: No.

Q Doctor, you have discussed this case with many of the witnesses, have you not?

A Yes.

Q And you also stated, I believe that you had a conference of all the Czech inmates in this camp and you talked over all these matters you have testified to?

A Yes.

Q Doctor, you would like to see all of these men punished, wouldn't you?

PROSECUTION: I pray the court's judgment. If he is asking an opinion, I wish he would ask me mine.

PRESIDENT: Objection sustained; the witness will not answer the question.

DEFENSE COUNSEL: If it please the court, one of the proper methods of impeaching the witness is to show bias, prejudice, or interest. To ask a witness directly whether he is prejudiced or not and whether he would like to see the accused punished is, in the opinion of the defense,

(Kempiva - cross)

a legitimate method of showing prejudice.

PRESIDENT: The court's ruling has been made and it will not be reversed.

Dr. Cespiva, are you prejudiced against these accused? Yes or no.

PROSECUTION: I pray the court's judgment.

PRESIDENT: The witness may answer the question.

A No.

DEFENSE COUNSEL: No further questions.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION

Q How long did you know Roman Drung?

A From the summer of 1942 until--or the late spring of 1944 until my arrest.

Q Based on your personal observation and based upon what you learned from others, how did he conduct himself towards the prisoners in Dora?

DEFENSE COUNSEL: If the court please, I object to that. Witness Drung is not on trial here and it is not proper for one witness to get up and bolster another witness by saying he is a great fellow.

PRESIDENT: The objection is over ruled.

A A prisoner never told me that he was beaten by him. He arranged for food for his people in his block.

PROSECUTION: Now I pray the court's judgment. Does besorgt mean arranged for?

INTERPRETER: He brought in.

A He begged for the remains,for the scraps from the kitchen. His block was in excellent clean condition. For this fact he was congratulated by Foerschner. Poles, Russians, Czechs and Frenchmen worked as room orderlies and as clerks.

(Cespiva - redirect)

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Q Now in your previous testimony you said something about the "sweet master" in connection with Malenta and you also mentioned a second master do you remember that

A That was through the crooked method.

Q Explain the crooked method, but shortly, please, and briefly.

A First of all he organized a rebellion for the liberation of the bunkers.

Q Who is this "he" that you are talking about?

A Malenta picked up people who had confidence in him and built up this group alone, then he reported this fact, that such a group had been built up, and they were all arrested and hanged. That was the second method.

Q You told the court that there was an organization of Czech survivolrs of Dora which met once in a while to talk over things?

A Yes.

Q When was the last time you had such a meeting?

A That was in the winter of last year, or in the winter of this year. In the winter season before this one.

Q You did not discuss this case, this present case, with that crowd, did you?

A I didn't know that a trial was being processed or being prepared, and I didn't know what people were going to be sitting as the accused.

Q Now you also said at one time or another that you never saw Andrae actually take anything from the packages. Will you tell the court the names of some of the people you saw eating things that came from these packages?

A No.

Q Can you name some of the 35 people?

A A whole lot of them, a lot of the stolen things, went into the

(Compiva - redirect)

SS kitchen and Andrae was smoking the Gaulois cigarettes. And where did he get those cigarettes? And where did he have the chocolate?

All right, we will let the court decide that. Now you also said something about the death rate dropping to around 200 or 180 around July or August of 1944. Do you remember that?

A Yes.

Q What happened to the curve after that period?

A The curve was upwards, but not as high as the winter of 1944, 1943 and May and March 1944.

Q Up to what period of time were you familiar with the curve? The death curve?

A Until the first of November 1944.

Q Can you tell the court anything about the curve of death rate between July and August of 1944, up until October or November 1944? Very briefly describe the curve?

A Many people at that time were deathly sick and in a condition of a very heavy physical injury. And of these people, approximately a thousand persons were sent on a transport to Bergenbelsen.

Q When was that?

A In September, beginning of October, 1944.

Q Did you observe that transport? Tell the court what happened to the curve from August until November, in a few words.

A This curve from August to November remained on an upward trend and was on an upward trend.

Q Now some time before you expressed a desire to clarify your testimony about the accused Rickhey?

A Yes.

Q I ask you to clarify it, but be sure you clarify, please. And briefly, please.

A It would be better if I would speak in my native tongue, through the Czech interpreter. I saw Rickhey several times one after the other

in the bunker and in Czech one says: First, second, third. Those are the difference between one, two, and three, and the difference between first, second and third. And I would like to state the difference as I saw him for the first time, the second, the third time, or as I say, first, second and third.

Q I will ask the question. Describe to the court the first time the circumstances of the first time you saw Rickhey in the bunker, first and how many times?

A I see the pictures in my memory. Because so many years have elapsed between it is possible I will describe what I saw as the second time, which I perhaps saw for the third time.

Q Describe it as you now remember it, Doctor.

A Once I saw him together with Simon not very far away from my dispensary; another time I saw him near the testing place of the V-2, and again another time I saw him at the end station of the electric cars.

All right, now is there anything that you can tell the court about the time you saw him at the ambulance, or at this first aid station when you state you saw him with Simon?

A No, there is nothing special. They only made an inspection. They looked around.

Q All right now, let us talk about the time you saw him at the testing place?

A Yes.

Q Who was there with Rickhey if anyone?

A Simon and an SS man, I believe Brom and a capo from the so-called control.

Q What was Rickhey doing or saying? What did you see him do or what did you hear him say at the time you saw him at the testing station?

A I have already described the situation. He was surprised that that wasn't finished as yet and asked what are the people doing here. The people are sleeping here.

Q Let us go to the third time. Who did you see him with at the third time?

A He was at the electric station, the end station of those little carts that were being pulled on the railroad tracks--a little cart which was empty which did not contain any load, but was just filled with human beings. These people came to change over the accumulators and in this moment there were, of course, more people around there. They were jumping out of this car and Rickhey said, "What is the matter here? How many people are finally employed here?"

Q That, I think, is enough. Those are the three occasions you say in which you saw Rickhey?

A Yes.

Q But you cannot remember now which one came first in point of time or which came second or which came third?

A That happened because I am not familiar with the German language.

Q That is all right.

I find a note here Doctor that during your cross examination you

(Cespiva-redirect)

s id that the e were 30 doct rs at Dora, but that some were sent to other details. [illegible] by other details?

A [illegible] were the specialist utos ps like Ulrich, Barzumpon, Mattlebrodo and Bat-mode.

Q So that if I understand you correctly the total of 30 prisoner doctors excluded the doctors at Dora and all the doctors on duty at outcamps as well?

A Yes.

Q You were also asked Doct r Gesplva about abuses or beatings by Doctors in outcamps. From the time you were a rested in November 1944 what sources of information did you have to ascertain what the doctors in these outcamps were doing if any?

A I had no opportunity whatsoever. I was in the bunker and in Dora.

Q New Doctor Kahr was at Dora. Was he the first SS Doctor?

A In Dora?

Q Yes.

A Yes.

Q About when did he leave?

A When I was arrested on the second of November he was still in his position in Dora.

Q Do you know about when he left?

A That I don't know exactly, but he visited me.

Q Now I am going to give you a sheet of paper and a pencil and I want you to figure out this calory business. You said previously Doctor that the prisoners received 250 grams of bread aday. Do you remember saying that?

A Yes.

Q Write down 250. You also said that each hundred grams of bread had about 400 calories. Do you remember saying that?

A Yes.

(Gespiva-redirect)

Q All right, figure out how many calories there are then in 250 grams of bread. I figured out 900, is that correct?

A There are 900 calories.

Q Now Doctor you said in your testimony that the prisoners at Lora received between 700 and 800 calories a day. Do you remember saying that?

A Yes.

Q Now will you explain to the court in short, snappy words how you got your figure of seven to eight hundred calories a day when 250 grams of bread means 900 calories a day?

A In these tables which we had in the camp when we figured this out, full rye bread was listed. We deducted 30 percent.

Q Why?

A From these 900 calories which we received.

Q Why did you take off 30 percent?

A Because it is was not full rye bread.

Q What kind of bread was it?

A The flour had rotted. In this weight of bread there was also the skin of the korn. Then potatoes were added. The bread arrived on the open truck in the rain. It had been wet. So we figured that 30 percent of the nourishment value of the nourishment strength was lost contrary to the full rye bread in civilian life.

Q Now how many calories did that then leave you, based on bread alone?

A Six hundred calories per day.

Q An the difference between 600 and 800 or 900 calories a day, where did that come from?

A That came from the so-called soup. In this soup the prisoners received turnips. This soup was not fatty. The soup was without any fat. The few potatoes which were still in the soup were also spoiled or had been frozen

(Continued direct)

and that is why the daily calory content of the food was comparatively lower than the figures which were stated on the tables.

PROSECUTION: Nothing further.

PRESIDENT: The court will recess for 10 minutes.

(Thereupon at 1600 hours the court recessed.)

(Thereupon at 1615 hours the court reconvened.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present; all of the accused are present; the interpreter and the reporter are present; the prosecution and defense are represented by counsel.

At the end of the last session the witness had finished with redirect examination. I have thought of two more questions in the meantime, may it please the court.

PRESIDENT: The witness is reminded he is still under oath.

DR. JAN CISPIVA, called as a witness by the prosecution, being duly reminded that he was still under oath, resumed the stand and testified further through an interpreter as follows:

REDIRECT EXAMINATION, continued

QUESTIONS BY THE PROSECUTION:

Q Towards the end of the last session you were asked by counsel for the accused if you had any prejudice against the accused and the interpreter in translating that question to you used the German word "eingenommen" or "voreingenommen". What does the German word "voreingenommen" mean to you?

A I thought what was meant was whether or not those present here were a matter of indifference to me and my answer to that was no. I didn't understand this word "voreingenommen" correctly.

Q Where did you learn your German?

A In camp.

Q What camp?

(Cispiva-redirect)

A In Auschwitz, Buchenwald, Nordhausen, and Dora.

Q Now that the correct meaning of the term "voleingenommen" has been explained to you I ask you have you a prejudice against these accused?

A Yes.

Q Now going back to this bread business for just one moment, you stated that the calories were figured from this book based on a full corn bread. That is, the figure of 400 calories per hundred grams was figured on full corn bread?

A Yes.

Q Now what was the kind of bread actually served to the prisoners at Dora?

A I have talked about the contents of this bread before now. The composition of the bread was of poor quality.

Q Now answer my question. Describe the contents of the bread that was actually served--in a few words.

A The bread also contained corn husks.

Q What is the food value of corn husks for human beings?

A None, because the human digestive system cannot absorb the cellulose and that is cellulose. Only animals, cattle can do that.

Q All right, Doctor, what is the rest of the bread?

A Bad flour. The bread was rotten and additional elements such as potatoes for example went into the making of the bread.

PROSECUTION: Nothing furtner.

RECROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q Doctor, isn't it a fact that this same bread was eaten by the SS and by all the personnel in the camp?

A Not that I know of.

A In Ausenwitz, Buchenwald, Nordhausen, and Dora.

Q Now that the correct meaning of the term "voleingenommen" has been explained to you I ask you have you a prejudice against these accused?

A Yes.

Q Now going back to this bread business for just one moment, you stated that the calories were figured from this book based on a full corn bread. That is, the figure of 400 calories per hundred grams was figured on full corn bread?

A Yes.

Q Now what was the kind of bread actually served to the prisoners at Dora?

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Q Now answer my question. Describe the contents of the bread that was actually served--in a few words.

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A None, because the human digestive system cannot absorb the cellulose and that is cellulose. Only animals, cattle can do that.

Q All right, Doctor, what is the rest of the bread?

A Bad flour. The bread was rotten and additional elements such as potatoes for example went into the making of the bread.

PROSECUTION: Nothing further.

RECROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q Doctor, isn't it a fact that this same bread was eaten by the SS and by all the personnel in the camp?

A Not that I know of.

Q Doctor I am going to give you a tablet and pencil too and I am going to ask you to multiply the same figures which the prosecution asked you to multiply. Will you please write 400, representing 400 calories in each hundred grams of bread? Now would you please put down 250 which are the 250 grams of bread the prisoners received? Will you please multiply these two figures and see if you can get 800?

DR. SEC. [illegible] I pray the court's judgement

A According to this calculation more calories of course would come out, but judging by the quality and the composition of the bread such as we received we deducted so and so much from the tables in this book.

Q Yes, but the basic figure as computed this way is 1000 calories and not 800 is that not true?

A That is a base figure and that would be the best quality bread.

Q Now the husk or the peel of the rye grain has a very high calorie content has it not?

A The human organism cannot absorb cellulose and turn it into sugar.

Q Is it not a fact doctor that this same husk of the rye grain has also a very high vitamin quantity which prevents scurvy?

A Yes, vitamins are contained in the husks.

Q Now this death curve, Doctor, that you have testified went up in the months of October and November, of 194., isn't it a fact that on those months large transports came from Auschwitz and from other camps in which there were prisoners who were in very poor state of health?

A These mass transports from the eastern camps arrived at a time when I was already in the bunker.

Q Now, Doctor, at this meeting of all the Czech survivors of Camp Dora, you have testified that you did not discuss this case at all, is that right?

A No, I merely asked what had been going on in camp while I was in the bunker, of differences these people had observed, and I compared that to what I had heard.

Q But you did, did you not, discuss the acts of the accused as individuals?

A Yes.

DEFENSE COUNSEL: I have no further questions.

DR. AREINER: Redirect examination on behalf of the accused Rickhey.

QUESTIONS BY DR. AREINER:

Q I believe you made a mistake in your redirect examination, according to my notes, and I believe that the record will show the same thing. You stated that you had seen the accused Rickhey in the bunker on several consecutive occasions. Didn't you mean the tunnel?

A I meant the tunnel. I never saw him in the bunker.

Q You gave the cardinal number two and you said that was the second time that you had seen him, namely, at the testing place of the V-2 weapon?

A Yes.

Q And how long did you see the accused Rickhey at that time?

A Not a long time. I left.

Q How far did you stand away from the accused Rickhey and persons accompanying him?

A Fairly close to him.

Q Can you tell us in meters?

A No.

Q But you must be able to estimate it. Was that 3, 6 or 10 meters?

A More than 3 meters.

(CES-IVA-Records)

Q You stated Rickhey had expressed some surprise about the work not being completed as yet and stating that these people were sleeping. Is that all you heard him say at that time?

A That is all.

DR. AUSNER: No further questions.

DR. REXER: Recross on behalf of the accused Andrae.

QUESTIONS BY DR. REXER:

Q Did you ever see the accused eating chocolate?

A Yes.

Q Where was this?

A Outside, between the tunnel and the entrance to the camp.

Q What was Andrae doing at the time?

A He was walking down to the SS barracks.

Q What kind of chocolate was that?

A I don't know the brand but it was chocolate all right.

Q From what did you conclude that?

A Because I know chocolate well.

Q Was the chocolate wrapped in paper?

A No.

Q Was it a bar -- an unwrapped bar?

A Yes.

Q Was it French chocolate?

A I don't know.

Q Was it Swiss chocolate?

A I don't know.

Q Was it German chocolate?

A I don't know, but I asked whether or not the were issued a chocolate ration.

Q Whom did you ask?

A An SS man.

Q What did he tell you?

A That he had never had any chocolate before, that he had never gotten any officially.

Q Do you know that the accused Ahrens was confined to a hospital during the summer months of June, July and August because of a stomach ailment?

A No.

Q Do you know a physician Dr. Leismuth?

A No, I don't know the name.

Q If I tell you that this doctor was an officer in the troop dispensary, will you remember it in that case?

A I have forgotten the name. If I could see him, and provided that he worked in the [illegible] dispensary at Dora -- provided that he worked in the SS dispensary, I could tell whether he was at Dora or not.

Q Do you know that there was a hospital for [illegible]men at Langerhausen?

A I heard about it.

Q Do you know an SS Master Sergeant Velter?

A No.

Q Not even in connection with the inmates' kitchen?

A No.

Q Do you know anything about the contents of those packages which could not be delivered because the persons to whom they were addressed had died were daily picked up by inmates from the inmates' kitchen?

A I don't know about that, but there is an inmate here who was in the inmates' kitchen. I saw him here.

Q Do you know his name?

A No.

Q How do you know that some of the contents of these packages allegedly found its way into the SS kitchen?

A A former innkeeper from Rau enitz on the Elbe River in the vicinity of Prague worked in the SS kitchen and I talked to this man, and

It is possible that Polak will know the names.

Q Do you know that during the occupation of France, French cigarettes were manufactured for use of the German army?

A I have heard something to that effect in connection to me.

Q Do you know that French cigarettes could be bought against coupons in the canteen?

A I never was in the canteen and - was never given a French cigarette by an SS man.

Q I asked you whether it was known to you.

A No.

Q You stated that Muenta had started an organization in camp. Who told you about this?

A The men who had been arrested and sent into the bunker and the survivors -- and by that I mean those who knew about the organization but had not been arrested, which is to say practically anybody who was an inmate of Dora at one time.

Q Isn't it a fact that many of those who were arrested betrayed the names of comrades and that then they were arrested in turn?

A It is a fact that through beatings and blackmail many names were betrayed, and the wave of arrests decreased. And then there was a second wave of arrests of persons who had participated or who were members of an organization which had been started by Muenta.

Q Isn't it a fact that those who were arrested during the second wave were men whose names had been betrayed by persons arrested during the first wave?

A No, there were Russians in my cell who saw some men being taken to the bunker and who stated that those had nothing to do with their organization.

Q Did these Russians know all there is in the resistance movement?

A This was not a rebellion or even a resistance movement; it was

(CONTINUED ON NEXT PAGE)

just talk -- talk to the effect that should something be going on or should something start up we would defend ourselves. And this operation, this evasion operation, was a tight and accurate organization.

Q Isn't it a fact that you got all of your knowledge about the arrests and these organizations only after you disembarked from the ice floe inmates?

A No, most of it I found out in the bunker, and quite a bit as to the preparations which had been made was read to me from files. Buehring and Valenta were present when I was told that. The source of my information were files which were read to me and, additionally, I reconstructed the entire affair on the basis of stories told me by Russians in the bunker.

DR. [illegible]: I have no further questions.

PRESIDENT: Does the court have any questions?

Have you any more questions?

DEFENSE COUNSEL: I just drew to my attention that this witness gave quite extensive testimony on this transport that he was on that I would like to question him about.

PROSECUTION: I was planning on releasing him today.

DEFENSE COUNSEL: Are you planning on releasing him permanently?

PROSECUTION: I was genuinely hoping so.

DEFENSE COUNSEL: I think I can ask him two or three questions on this transport and wind it up.

PRESIDENT: All right, proceed.

CROSS EXAMINATION (continued)

QUESTIONS BY DEFENSE COUNSEL:

Q It is a fact, is it not, that doctor knew you were on this transport and illegally, is that right?

A Doctor saw me on this transport for the first time and he required a doctor should an air attack be made.

Q Please answer my question. Did he know that you were there illegally and had escaped from the bunker?

(USSBS A-Record)

A I don't know whether he knew or didn't.

Q Did any people die of sickness or exhaustion or hunger on this transport?

A The most detailed lists can be found at the American Red Cross station at Goesen.

Q Doctor, to your knowledge did anybody die of sickness, hunger, thirst, or exhaustion on this transport?

A All I did was bury persons who had been shot and killed.

PROSECUTION: That is not as thought. The entire answer wasn't translated. He said, "I only buried the dead and that is all I saw, the ones that were shot." That is exactly what he said.

PRESIDENT: Just a minute. Do you accept that translation, Mr. Shaw?

INTERPRETER MICHAEL SHAW: Well, I didn't understand his first answer and I asked him to repeat it and when it was repeated by the Czech interpreter, I think I translated it correctly.

DEFENSE COUNSEL: Well, I will ask the question again.

Q To your knowledge, Doctor, did you see or hear that anybody died on this transport from either sickness, exhaustion, hunger or thirst?

A I heard about it.

Q Now, Doctor, prisoners tried to escape from this transport, did they not?

A Most likely.

Q Did you see any prisoners try to escape?

A I also ran away from the transport.

Q Isn't it a fact, Doctor, that Obsur's wife was accompanying him on this transport?

A I never saw him.

DEFENSE COUNSEL: No further questions.

PROSECUTION: Should I ask that the witness be permanently

(CROSS-A-Recross)

excused. He is a physician at Trier and he wants to go back home.

DEFENSE COUNSEL: We have no objection.

PRESIDENT: There are no questions by the court. The witness may be permanently excused, with permission to return to his home.

(Thereupon the witness was excused and withdrew.)

PRESIDENT: Does the court want to start with another witness tonight? I hope not.

PRESIDENT: The court will recess until 9 o'clock tomorrow morning.

(Whereupon the court recessed at 1700 hours, 26 August 1947, until 0900 hours, 27 August 1947.)

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Pages 933-1005

MILITARY GOVERNMENT COURT

CASE RECORD

CASE NO. 000-50-37

PROSECUTOR Lt. Col. W. Berman

*SUMMARY
INTERMEDIATE MILITARY COURT
GENERAL

DEFENSE COUNSEL Maj. L. Poullada

INTERPRETERS Lolly Singer, Emily Rowye-Cobb
Friedrich Frankl

PLACE Camp Dachau, Germany

REPORTERS Isabel W. Holt,
Peter L. DiCurti
Eunice L. Haederff
Gloria Spears

DATE 27 August 1947.

WITNESSES

Vaclav Polak

Oskar Junk

ACCUSED Arthur Kurt Andrae, et al

ADDRESS _____ SEX _____ AGE _____

FIRST CHARGE SECOND CHARGE

PLEAS

FINDINGS

PREVIOUS CONVICTIONS

SENTENCE

IMPRISONMENT (TERM _____
(BEGINNING _____ 194_____

FINE AMOUNT _____
TO BE PAID BEFORE _____ 194_____
FURTHER TERM OF _____ IMPRISONMENT

CHARGE SHEET AND RECORD OF TESTIMONY ARE ANNEXED HERETO.

SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY _____

SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

RECORD OF TESTIMONY

in trial of

THE UNITED STATES versus ARTHUR KURT ANDRAE, et al

by

GENERAL MILITARY GOVERNMENT COURT

tried at

DACHAU, GERMANY BEGINNING 7 AUGUST 1947

27 August 1947 Pages 983 - 1005

TESTIMONY

WITNESS	Direct	Cross	Redirect	Recross	Court
VACLAV POLIK	933	960 971			971
OSKAR JUNK	972				
DEFENSE					
VACLAV POLAK	983	985			986

EXHIBITS

NO.	DESCRIPTION	MARKED	RECEIVED IN EVIDENCE
P-35	Photograph of Shipping Book	1005	1005

Tk 134-1se-Lordhouse -3/27/47-1

MORNING SESSION

(Thereupon the court reconvened at 0910 hours, 27 August 1947.)

THE MARSHAL: The court will come to order.

THE PRESIDENT: Let the record show that all the members of the court are present; the defense and prosecution are represented by counsel; all of the accused are present; the reporter and interpreter are present. The prosecution calls as its next witness Vaclav Folak to be examined by Captain McCarry.

VACLAV FOLAK, called as a witness by the prosecution, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY CAPTAIN MCCARTY:

Q State your full name.

A Vaclav Folak.

Q Address?

A Podebrady 903, Prague, Czechoslovakia.

Q Your occupation

A Bookkeeper.

Q Age?

A 35 years old.

Q And nationality

A Czechoslovakian.

Q Were you ever an inmate of a concentration camp?

A Yes.

Q What concentration camps were you an inmate of?

A Auschwitz, Dora, Monowitz, Buchenwald, Dora, Nord-Sangerhausen, Ravensbrueck.

Q When did you first come to Dora?

A 10th of September 1943.

Q And how long did you stay at Dora?

A Until the 5th or 6th of April 1945.

Q Did you do any work at Dora?

A Yes.

Q Where did you first work at Dora?

A In the tunnel.

Q How long did you work in the tunnel?

A One month.

Q And what did you do after that?

A Then I was a clerk in the prisoners' orderly room.

Q How long did you hold that position?

A Until February 1944.

Q After February 1944 what did you do?

A Clerk in the prisoners' dispensary until the end.

Q What were your duties as clerk in the prisoners' dispensary?

A There I kept the death book.

Q Was this your only duty?

A Yes.

Q What method did you use to keep this death book--what information did you put in it and where did you get the information from?

A If somebody died in the dispensary we received the fever chart. From there we copied the name, the number, the date of birth, and the date of death. And if somebody had died in one of the outcamps and the body was brought in, then we received the accompanying papers.

Q What were these papers?

A Those were little slips on which the name, the notation "loss through death" and on the back the name, the number and so on were.

Q Did you have any way of knowing that these papers actually represented dead people?

A No.

Q Did these papers give the cause of death on them?

A Yes.

Q Did you ever have the opportunity to inspect a corpse?

A Yes.

Q Did the corpses that you inspected--were they accompanied by any papers?

A Yes.

Q What papers were these corpses accompanied by?

A The papers which I have already mentioned "loss through death".

Q Did these papers have any other notation concerning the cause of death other than "loss through death"?

A Yes.

Q What were these notations?

A It was the diagnosis there.

Q What type diagnosis did you see on these papers--give me some examples.

A Sickness, physical weakness, heart failure, and entercolitis. More I don't know; I am not a doctor.

Q Did you ever have the opportunity to check the record accompanying the body with the body itself?

A Yes.

Q Did you ever have the opportunity to check a body which was accompanied by a certificate stating that it died from heart failure or some natural cause?

A Yes.

Q Could you tell me the condition of some of these bodies just as far as you could see by observing the body itself?

A When bodies came from the outside camps I had to check if it were actually 120 bodies, for instance, as was actually stated on the paper, and that is how I got to see all the bodies.

Ik 18c-tpe-Bordneaus-n-3/27/47-e

Q Did you ever have the opportunity to check a certificate which said that the person had died from a natural death or from heart failure with the body itself?

Yes.

Well, can you tell us what you saw as far as you could see the condition of the body—how did it check with the certificate of natural death?

A I saw bodies which had been completely beaten, shot, covered with blood, and on the certificates it was stated "physical weakness" or "heart failure".

~~Q Will you identify this~~ Prosecution Exhibit 33. Mr. Polak, can you ~~identify this book~~

~~A Yes.~~

Do you recall what camps these bodies came from?

A Several times they were from Ellrich and Boelke Kaserne, Nordhausen.

Q In your duties in checking these bodies and certificates, will you tell us about approximately how many bodies you checked inthe time that you were in the prisoners' hospital?

A All the bodies?

Q All the bodies. Can you give me some idea of the number?

A I saw about ten thousand bodies.

Q Would you recognize any of these death books that you kept at Dora, if you saw them again?

A Yes.

Q I show the witness Prosecution Exhibit 32, and ask him if he can identify it?

A Yes.

Q Did you make any entries in that book?

A Yes.

Q I show the witness Prosecution Exhibit 33. Mr. Polak, can you identify that book?

A Yes.

Q Did you make any of the entries in that book?

A No.

Q I show the witness Prosecution Exhibit No. 34. Can you identify that book?

A Yes.

Q Did you make any entries in that book?

A I wrote almost all of that myself.

Q Mr. Polak, I would like you to look around the court room and tellme if you can identify any of the accused?

A Yes.

Q Would you point out to me those that you no know?

A Brinkmann.

Q Will the court please direct Brinkmann to turn his number around? Let the record show that the witness has identified the accused Brinkmann wearing placard No. 3.

A Petmers.

Q Let the record show that the witness has identified the accused Petmers wearing placard No. 5.

A Andrae.

Let the record show that the witness has identified the accused Andrae wearing placard No. 1.

A Buehring.

PRESIDENT: I wish the witness, as he makes the identification, would point directly at the man, instead of merely calling his name.

Q Let the record show that the witness has identified the accused Buehring wearing placard No. 4.

A Graevy.

Q Let the record show that the witness has identified the accused wearing Placard No. 2.

A This one I do not now. (Indicating.) This one I don't know, as well. (Indicating an accused.) I don't know him either. (Indicating another accused.) Jacobi.

Q Let the record show that the witness has identified the accused Jacobi wearing placard No. 9.

A Kilian.

Q Kilian. Let the record show that the witness has identified the accused Kilian wearing placard No. 10.

A Weiner.

Q Will the court direct that Weiner turn his placard. Let the record show that the witness has identified the accused Weiner wearing

(Folak - direct)

placard No.19.

A Maischein.

Q Let the record show that the witness has identified the accused Maischein, wearing placard No. 19.

A I don't know him. (Indicating.) Valenta.

Q Let the record show that the witness has identified the accused Valenta, wearing placard No. 18.

A I don't know him. (Indicating.) Simon.

Q Let the record show that the witness has identified the accused Simon wearing placard No. 16.

A Hoeser.

Q Let the record show that the witness has identified the accused Hoeser, wearing placard No. 13.

A Rickhey.

Let the record show that the witness has identified the accused Rickhey, wearing placard No. 14.

A Koenig.

Q Let the record show that the witness has identified the accused Koenig, wearing placard No. 11.

PRESIDENT: Has the witness completed his identification?

PROSECUTION: He has, sir.

PRESIDENT: The others will turn their placards over, then.

Mr. Polak, before we go into any further testimony, those books that I showed you not long ago, what were they?

A These are the original death books of Lora.

Were they the death books in which you entered the names and the other information that you received on these slips of paper which you spoke about before?

A Yes.

8-27-mdh-4

Q What can you tell me about the accused Andrae?

A The packages of the International Red Cross which came to the dispensary for the prisoners, these packages I saw empty. I was told that they had been pilfered at the post office. That's why I had Andrae pointed out to me several times, so that I would remember him.

Q Did you ever receive any Red Cross packages yourself?

A No. I only received my personal packages from my family.

Q What were the conditions of these packages when you received them?

A From the half or the middle of 1944 on, they were half empty.

Q You have recognized the accused Buehring. What can you tell me about him?

A I only know that he was a co-worker of Sander. I saw him several times as he was escorting bound prisoners. Once he was in the dispensary together with Jan Chaloupka as a prisoner, who had handcuffs, and those prisoners or patients who were standing out in the corridor who did not take off their caps quick enough for him he gave them several slaps in the face.

Q Can you tell me anything else about Buehring?

A No.

Q You have identified the accused Brauny. What can you tell the court about Brauny?

A He was the rollcall leader from the beginning on in Dora. When we first came to Dora we had to carry parts of the barracks for the construction of these barracks. So that the work should progress faster, dogs were chased at us and we were beaten with cudgels by Brauny and Jacobi and several others.

Q Is there anything further you can recall about Brauny?

A No.

8-27-mdh-5

Q What can you tell me about the accused Koenig?

A Koenig was also the rollcall leader from the beginning on in Dora. He gave corporal punishment in the prisoners' orderly room;because the barracks were just being constructed,he took pieces of wood to beat with whoever came across his path. I remember that he beat with a square slat or piece of wood which was 8x4 centimeters in diameter.

You have identified the accused Simon. Will you please tell the court what you knew about Simon?

A He was the labor allocation leader. In his orderly room prisoners w were punished almost daily.

Q Did you ever see him punishing prisoners in the orderly room?

A Yes.

Q What did he beat them with?

A Either with a wooden cudgel or with a leather whip.

Q Do you know what Simon's duties were as labor allocation leader?

A Yes.

Q What were they?

A He assigned the prisoners to the various work details.

Q Do you know on what basis he made his various assignments?

A Yes. The prisoners were assembled on the rollcall field and they were assigned to the various details, a hundred or two hundred to a detail, irrespective of what their physical condition was.

Q How often did you see Simon beat people?

A Personally I saw it approximately every week.

Q Were all of these beatings in the labor statistics office?

A Yes.

Q You have identified the accused Bickhey. Can you tell me what you know about Bickhey?

A I saw him once in the tunnel, together with Simon. I asked who that was. I was told that that was the director general of the Mittel Werke.

Otherwise I know nothing about him.

Q Was there anyone else present with Simon and Rickhey, or was he alone?

A No, I didn't see anybody.

Q Where were Simon and Rickhey conversing in the tunnel?

A That was in the secret department in the tunnel.

Q What do you mean by secret?

A That was up in the tunnel where the prisoners were not allowed to enter except those who were working on the detail there.

Q Do you know what detail that was?

A I don't remember exactly what detail that was. I believe it was the Askania detail. They did not wear the designation of the detail on their sleeves, they only either wore a Roman number or a letter.

Q Do you know what kind of work was going on at this detail?

A Yes.

Q What was that?

A Secret weapons were produced there.

Q You have identified the accused Kilian. What can you tell the court about Kilian?

A That was the hangman in Dora.

Q Did you ever see Kilian hang anyone?

A Yes.

Q How many people did you see him hang?

A Perhaps 60 or 70.

Q Could you describe one of these hangings for the court?

A The prisoners were led out of the bunker; they had pieces of wood as gags in their mouths which were tied in the back of their necks. Then they were led to the gallows and Kilian put the noose around their necks. As long as this gallows here did not exist in Dora, they were put up on chairs and these chairs were kicked out from under them.

CAPT. McGARRY: The gallows that the witness has just pointed

ou is Prosecution Exhibit No. 24. Do you know if of these men that were hanged, all of them were dead when they were taken down from the rope?

A No. I know that they were not dead.

Q What happened to these people that were taken down from the gallows who were not dead?

A On the 10th, or 11th of March these people were taken down from the gallows and if they were not dead they were shot by Moeser.

Q Do you know whether or not they died after they were shot by Moeser?

A That I don't know.

Q Do you have any idea what happened to these bodies?

A I also saw one time how Lilian hit a prisoner over the head who was being executed, with a foot stool, and bashed his head in.

Q Do you know whether or not thisprisoner died?

A No.

Q Do you know what happened to these bodies after these hangings and being shot in the head or being hit on the head with a stool?

A I naturally then saw the bodies again in the dispensary. I received them all into the dispensary and I then sent them to the crematory with our body carriers.

Q Were they alive or dead when you sent them to the crematory?

A They were dead already.

PRESIDENT: Court will recess for twenty minutes.

(Whereupon the court recessed at 1005 hours.)

(Thereupon the court reconvened at 1020 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present; prosecution and defense are represented by counsel; all the accused are present; the court interpreter and reporter are present.

The witness Polak is still on direct examination.

PROSECUTION: The witness is reminded that he is still under oath.

VACLAV POLAK, called as a witness by the prosecution, being duly reminded that he was still under oath, resumed the stand, and testified further through an interpreter as follows:

DIRECT EXAMINATION, continued

QUESTIONS BY CAPTAIN MCGARRY:

Q Mr. Polak you have identified the accused Zwiener. What was Zwiener's position at Pera?

A Zwiener was camp eldestafter George Thomas.

Q Did Zwiener have any other duties at Pera?

A He was the hangman.

Q Did you ever see Zwiener hang anyone?

A No.

Q Did you hear that he hung anyone?

A I saw from the windows of the dispensary how he went to the wood courtyard for executions.

Q Did you ever hear that he hung anyone?

A Yes.

Q How many people did you hear that he hung?

A Approximately eight to ten.

Q Do you know the nationalities of these people?

A Yes.

Q What were they?

A Russians and Poles.

Q You have recognized the accused Talenta. What was Talenta's position

at Dora?

A He was a prisoner. Later on he was a civilian employee of the Gestapo.

Q Do you know what is duties were as a civilian employee of the Gestapo?

A Yes. He as a confidential agent in the camp. He moved around everywhere and listened to what people were talking about and tried to bring the people to the bunker.

Q Do you know, of your own knowledge if he ever brought anyone to the bunker of informed on anyone?

A Yes. That was after the arrest of Nikolai Betrenko who had been terribly beaten and Alenta came to the dispensary together with Betrenko for a treatment with violet rays. The prisoner who was taking care of the apparatus spoke to Betrenko and Alenta screamed at him and wanted to know what the two of them were talking about and he threatened him that if he didn't tell him what was going on and being said that he would take him into the bunker with him and give him 200 blows. He actually did lead him up to the bunker but then he let him go there. Thereupon we saw that he actually had that much authority or power to take the people to the bunker and to release them there and that he could practically do what he wanted to do.

Q By that do you mean that he had the power alone to take people to the bunker? By that I mean would he be accompanied by or would he alone at times do it?

A Yes, all alone.

Q You identified the accused Brinkmann. What can you tell the court about Brinkmann? What was his position at Dora?

A He was a roll call leader in Dora and at that time I was the roll call clerk, the first prisoner in Dora. I never saw him beat anybody. I

heard that he did beat but I personally never saw him do that.

Q You recognized the accused Detmers. Do you know what his rank and position was at Lora?

A He was a court officer. I saw him a few times but otherwise I didn't know anything about him.

Q You have identified the accused Malscheim. What was his position at Lora?

A He was an SS corporal, a medical orderly in the SS Troop Dispensary.

Q While you were at Lora did you ever see or hear about an execution of seven Italian prisoners of war?

A Yes.

Q Do you know the names of anyone who participated in this execution?

A I saw that through the window.

Q What did you see?

A The seven Italians were in the bunker near the prisoner's orderly room. On the 15th of December, 1943 they were escorted through the entrance and brought into the camp. Approximately a hundred meters in back of them the execution detail marched. That was Simon, Koenig, Graumy, Jacobi, SS Private Schultz and Albert Mueller and the Camp Commanding Officer Poorschner I saw how they went up to the wood courtyard and then I heard the burst. The execution detail who was escorting them all had rifles.

Q Other than what you actually saw, did you hear anything about these executions from anyone?

A Yes.

Q Who told you about the executions?

A SS Private Schultz who was employed in the prisoner's orderly room. He told me that the order for the burst was given by Koenig.

Q This Private Schultz, is he the same Private Schultz that was a member of the execution party?

(Polak-direct)

A Yes.

Q Did this Private Scaults tell you who did the shooting?

A No.

Q Did you observe these prisoners of war coming back after the shooting?

A No.

Q Could you see the members of the execution party come back after you heard the shots?

A Yes.

Q Who were the members you saw coming back?

A The same ones who had gone there.

Q You stated before that it was part of your duty to receive death reports?

A Yes.

Q Among the death reports you received do you recall whether or not you ever received any concerning these 7 Italian prisoners of war?

A Yes.

Q Did you enter these reports in a book?

A Yes.

Q If I showed you the books again which you looked at this morning could you identify the remarks you put in the book?

A Yes.

Q I show the witness Prosecutions Exhibit P-32, P-33 and P-36. Mr. Pelak I would like you to look through these books and pick out the notations concerning the death of the seven prisoners of war.

A Just one moment. I didn't write it here in this book. At that time I was a clerk at the orderly room. I copied this into a new book. These are

(PELAK-direct)

the originals on the other book, the second book is in the ministry of the military in Paris in the Department II, Contre Espionage, General Dejussieux.

Q By that do I understand that you copied the reports from one of these books and put in another book which is not in court?

A From this original, yes.

Q Can you pick out of these books what you copied and put in the book that is not in court?

The witness is now reading from Prosecution Exhibit P-32.

A The number 14014, Tenoni, Giacomo; Bianchet, Arnino; Scola, Giovanni; Piermatti, Ilario; Maisoni, Carlo and Mor, Ernesto. Those are all of them and the numbers and date of birth, etc., are here.

Q Do you know or did you ever hear why these prisoners of war were executed?

A I heard that they didn't want to work because this was contrary to the Geneva Convention because as prisoners of war they didn't want to work in a war industry and because they received poor food and very little food.

Q Did you see the bodies of these prisoners of war?

A No.

Q Previously you testified that the accused Koenig beat some inmates. Did you ever see Koenig beat inmates?

A Yes.

Q Where did these beatings take place?

A In the prisoners orderly room in the second room.

Q How often did you see them beat inmates?

A That happened quite often but I can't state it exactly.

Q You previously testified that you received packages from home and articles were missing. What type articles were missing from these packages?

A We always had a list of contents, a list telling us what was in the

(Polak-direct)

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Q You previously testified that you received packages from home and articles were missing. What type articles were missing from these packages?

A We always had a list of contents, a list telling us what was in the

(Polak-Direct)

packages and we always were able to establish that the most valuable things were missing. For instance, bacon, chocolate and those kind of things.

Q Do you have any idea how many packages you received that were in this condition?

A 20 or 25. I can't state how many exactly.

Q Mr. Polak I would like you to describe in detail just exactly what your duties were in the prisoner's hospital concerning the processing of dead bodies and the record you were required to keep and as to the crematorium and I would like you to tell me first about the bodies from Dora itself.

A When somebody died in the hospital or in the dispensary we received the fever charts and there it was noted when he died. With the transports, from the outcamps, of bodies we always received some pieces of paper, as many as there were bodies. I made up an entire list of these copies. One copy the transport leader who had brought the bodies received as a receipt. One copy went to the roll call leader and one the prisoner's orderly room. Then on the individual reports which arrived I put the stamp which read, "Received for Cremation". These papers went to the crematory. The capo of the crematory had a book in which he entered this data. He entered the date when the bodies were burned and they were signed by SS Master Sergeant Schuls who had the supervision. When these reports came back to us to the orderly room and the reports for the political department were made up. Only for Polish Nationals and for Jews these reports were not made up.

Q How could you tell that you got the same number of slips as you did bodies?

A I was standing next to the automobile which brought the bodies. The body carrying detail carried the bodies into the crematory and I checked the bodies to see if they coincided with the number of reports.

Q And I believe you previously testified that you entered these records in various books called death books, is that right?

A Yes, naturally. Yes, first of all I entered these reports in the death books.

Q Could you describe one of these vehicles that came to Dora with the dead bodies -- the size of the vehicle, the amount of bodies in it?

A That was a truck. In general, usually, or most of all, the bodies were delivered naked, without any clothing. One one truck there were up to 80.

Q How big was the body of the truck?

A It was a normal 8 to 10 ton truck.

Q Mr. Polak, do you know if Dora or any of its outcamps had code names?

A Yes. Harzungen, for instance, was called Hans; Ellrich was called Erich.

Q Did Nordhausen Boelke Kaserne have any special name?

A No. That I don't know.

CAPTAIN McGARRY: The prosecution has no further questions.

DR. AMELUNG: Cross examination for the time being for the accused Simon.

CROSS EXAMINATION

QUESTIONS BY DR. AMELUNG:

Q When did you see the accused Simon in Dora for the first time?

A That was in November or the beginning of December 1943.

Q During which occasion did you see him?

(POLAK-Cross)

A I was clerk in the prisoners' orderly room and, therefore, I often had somet ing to do at the work statistics when we were looking for somebody.

Q Will you please show the court on Prosecution's Exhibit P-22 where this work statistic was?

A Approximately here (indicating).

DR. AMEIZER: Let the record show that the witness indicated a spot on Prosecution's Exhibit P-22 which is to the right of the entrance to the protective custody camp designated with the word "Labor Allocation."

WITNESS VACLAV POLAK: What shall I know?

DR. AMEIZER: You showed it already.

Q Was this work statistics office you were speaking of the entire time in this building which you have just indicated on Prosecution's Exhibit P-22?

A No. No, then the work statistic was next to the prisoners' orderly room, but the office -- It was here (indicating). But the office of Simon was always there in the first building that I showed you.

DR. AMEIZER: Let the record show that the witness has indicated on Prosecution's Exhibit P-22 the first barracks next to the camp street inside the protective custody camp indicated on this chart in green color.

WITNESS VACLAV POLAK: No, that was my mistake. The orderly room was here. This map is not very well sketched. Block 26 was up above this building where the orderly room was (indicating). It is not exact on this map.

DR. AMEIZER: Let the record show that the witness is now indicating a spot on Prosecution's Exhibit P-22 which is a barracks reaching into the upper roll call ground.

Q From what time on was the work statistics inside the protective custody camp?

A That was from 1944, in January, February -- I don't know.

Q And before that the work statistic was in this building (indicating) which is indicated on Prosecution's Exhibit P-22 with the words "Labor Allocation"?

A Before that we were here (indicating) in paper barracks, at the very beginning.

DR. AHRENS: Let the record show that the witness has indicated a spot on Prosecution's Exhibit P-22 which is on the east of this chart in the vicinity of the entrance to the tunnel.

Q You said that you were practically every week at the work statistic, is that correct?

A Yes, when I was in the orderly room, that is correct, but not when I was in the dispensary later on.

Q Didn't you say under direct examination that you saw how Simon beat somebody almost every week?

A Yes, in this period of time from December until February 1944.

Q You mean from December 1943 until February 1944?

A Yes.

Q What were the reasons why Simon beat prisoners there?

A That I don't know.

Q Did he personally beat in your presence?

A Yes.

Q You said that Simon was labor allocation leader. Did you in Dora know an SS Second Lieutenant Kurz?

A No.

Q Did you know an SS First Lieutenant Sell?

A No.

Q Did you never hear that SS Second Lieutenant Sell or SS First Lieutenant Kurz was the labor allocation leader?

A No.

Q Who else was present when you saw that prisoners were being beaten by Simon?

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(POLAK-Cross)

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A No.

Q Who else was present when you saw that prisoners were being beaten by Simon?

(POLAK-Cross)

A I can give the names of 800 former prisoners of the concentration camp of Dora because I am the chairman of the organization for former Czechoslovakian prisoners in Dora.

Q And all these 800 prisoners were present when you saw that Simon was beating prisoners?

A No.

Q And you told the prosecutor in reply to his question that all the prisoners were assembled on the roll call field, that they were divided into groups of 100 or 200 prisoners and then were assigned to the various details without consideration of their physical condition

A Yes.

Q During what period of time does this statement that you have made refer? To what period of time does this refer?

A That was perhaps in the summer of 1944.

Q Isn't it a fact that the prisoners had been examined by a doctor as to their working capabilities before this?

A No.

Q Isn't it a fact that all the prisoners who had assembled on the roll call field were fit for work in general?

A Not all were fit for work.

Q If a prisoner was sick he was placed under a doctor's treatment, isn't that correct?

A Yes, but I know of one incident where Simon took away the rest slips from the prisoners who had received them and sent them to work.

Q Did the prisoners who had been designated as convalescent patients -- as convalescent -- have to assemble at the roll call field?

A That I don't know exactly.

Q Isn't it a fact that those prisoners who had rest slips remained in the rest block or remained in their own blocks and didn't have to assemble at the roll call?

(POLAK-Ross)

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Q Isn't it a fact that those prisoners who had rest slips remained in the rest block or remained in their own blocks and didn't have to assemble at the roll call?

(POLAK-cross)

A They had their own block, I know that, but if they had to assemble at the roll call or not I don't know.

Q So you can not state that Simon assigned people to work who had rest slips when they were assembled on the roll call field?

A But when they went to work they could just as well be at the rest block as at the roll call field.

Q Well, didn't you say that Simon, without consideration for their physical condition, assigned people at the roll call field to work?

A Yes, naturally.

Q Did Simon personally assign the prisoners on the roll call field to certain places of work?

A He assigned the group of prisoners. If and how he assigned these people to the work details, those people who worked in the work statistics will be able to give a statement about that.

Q Then you personally didn't see this at all, is that correct?

A I saw how he divided the groups into details, but if the people then actually went to these details I don't know.

Q Isn't it a fact that the capo of the work statistics was always present?

A Yes.

Q Did you personally see the leather whip with which Simon was supposed to have beaten?

A Yes.

Q How often?

A That I can't say -- twice or three times.

Q And that was in the building of the work statistics, is that correct?

A There at the gate entrance.

Q And at what time?

A That I don't know exactly -- January or February 1944.

(POLAK-Cross)

Q And after you then went to the dispensary you didn't see such incidents any longer?

A Yes.

Q Are you not mistaken when you say that you saw Simon for the first time in November or December 1943?

A That I can't remember exactly.

Q Isn't it a fact that Simon didn't enter his place of duty until the first of January 1944?

A That is possible, but by these executions he was present. I don't know when he started his duties.

DR. AMELUNG: Cross examination for the accused Rickhey.

QUESTIONS BY DR. AMELUNG (continued):

Q Mr. Polak, you stated that you saw the accused Rickhey in the tunnel once. When was this?

A That was in June or July of 1944.

Q And that was the only time that you ever saw him in Dora?

A Yes.

Q When did you see Rickhey for the second time?

A Here.

Q Can you say that you will recognize a man whom you only saw once later on?

A Yes, this man I would recognize after 10 years if I should meet him.

Q Were you present during the interrogation of the accused Rickhey here in Dachau?

A No.

Q Where was this secret compartment about which you were speaking under direct examination?

A That was in the back of the tunnel.

Q Can you show on Prosecution's Exhibit 21-A where this was?

A It was approximately here (indicating). I don't state that exactly. I have never seen a sketch of the tunnel. I have always gone through the tunnels, but I have never seen a sketch of the tunnels. I don't know whether it was on this right side or on the left side.

MR. [illegible]: Let the record show that the witness first indicated on Prosecution's Exhibit P-21-A a spot which was outside of the tunnel designated by A and B on the sketch and to the right of it, and that for the second time the witness pointed to a spot which was also outside of this tunnel and which is indicated on this sketch as "Taifun Rocket Factory."

A (continued) We were there together with one Flohmann from the Tunnel Control because nobody else could go there. We wanted to see where the V-1 and V-2 were being produced. A Frenchman by the name of Andree Lebouf and a Czechoslovakian, Oldrich Abel, from Brno, Czechoslovakia.

Q You said that prisoners were not admitted to this spot, with the exception of those who worked there. How did it happen that you were in a position to go there?

A Herr Flohmann was allowed to go there, and the people from the prisoners' orderly room said that they were going there to look for prisoners who were missing from the Sawatzki detail.

(POLAY-Crown)

Q Jos Ian did you see the accused Jokisch there at that time?

A Ten minutes to a quarter of an hour.

Q What was he doing there?

A Nothing. He was just walking through the tunnel.

Q Who was accompanying him?

A Simon.

Q Nobody other?

A No.

Q Was work going on there at the spot where you saw him?

A No.

Q Was that in the factory or was that in one of the tunnels that was being constructed?

A It was in the factory in a tunnel, in a straight tunnel which received its light through artificial lighting.

DR. AUERBACH: Cross examination for the accused Malchow.

CROSS EXAMINATION BY DR. AUERBACH:

Q When did you see the accused Malchow for the first time in Dora?

A In the year 1944. It was from May until December. I don't remember exactly when. It was in the second half of the year 1944.

Q And what were his duties at that time?

A He was the medical orderly in the two dispensary.

Q What did you have to do with him?

A Nothing.

Q You only saw him?

A I also spoke to him.

Q Where was this?

A In the prisoners' dispensary.

Q What did he do there?

A He went to Doctor Kahr.

DR. AUERBACH: No further questions.

Ik 138-[illegible]/47-K

Dr. Pelikan: Cross examination for the accused Kubrak.

CROSS EXAMINATION BY Dr. KARPF:

Q You told under direct examination that you had been told that two packages were being pilfered in the post office, is that correct?

A Yes.

Q Who told you that?

A Many prisoners. The all knew about it. It was no secret matter.

Q You cannot mention any individual names?

A Yes.

Q Please.

A Johann Fiala, inspector in Trofaiach, Tyrsgasse--one is the name of the town, the other is the name of the street.

Q When was this told to you?

A That was in the summer 1945 until the end, until the liberation in 1945.

Q Do you know when Kubrak was in the post office in Jorn?

A I don't know.

Q You spoke about Red Cross packages which came into the dispensary. Were those packages addressed to prisoners who happened to be in the dispensary, or were those packages addressed to the dispensary?

A They were addressed to the individual prisoners.

Q Who happened to be in the dispensary?

A Yes.

Q When were the packages called for which were intended for the dispensary?

A From the post office?

Q Yes.

A That I don't know.

Q Wasn't there a certain time indicated during the day?

A That I don't know. Franz Harlow from Vienna can tell about this. He was present.

(Volak-Cross)

Q Were certain people ordered to go to the mail box every day?

A Yes, that was this Frau Merker.

Q And where did he pick up the packages?

A In the post office.

Q And where were they taken to?

A He brought them directly to the orderly room in the dispensary and on the way he couldn't steal anything.

Q Did you personally see Andree in the post office?

A Yes.

Q How often?

A Two or three times.

Q What was he doing there when you saw him?

A He was sitting there.

Q Do you know about the regulations which existed in Jura concerning these packages?

A No.

Q You stated that the packages which you received from the middle of 1944 were half empty?

A Yes.

Q At what time in 1944 was this?

A From July 1944 until February 1945. After that we didn't receive any packages at all.

Q Do you know that during the months of June, July, August 1944 Andree was not in Jura?

A That I don't know.

Q Do you know what was missing out of these packages which you received?

A Yes.

Q What was missing?

A The best things.

Q Were certain people lined out to pick up the packages every day?

A Yes, that was this Franz Berkow.

Q And where did he pick up the packages?

A In the next office.

Q And where were they taken to?

A He brought them directly to the orderly room in the dispensary and on the way he couldn't steal anything.

Q Did you personally see Andrae in the post office?

A Yes.

Q How often?

A Two or three times.

Q What was he doing there when you saw him?

A He was sitting there.

Q Do you know about the regulations which existed in Dora concerning these packages?

A No.

Q You stated that the packages which you received from the middle of 1944 were half empty?

A Yes.

Q At what time in 1944 was this?

A From July 1944 until February 1945. After that we didn't receive any packages at all.

Q Do you know that during the months of June, July, August 1944 Andrae was not in Dora?

A That I don't know.

Q Do you know what was missing out of these packages which you received?

A Yes.

Q What was missing?

A The best things.

Q Were certain people stood out to look at the packages every day?

A Yes, that was this Franz Werkow.

Q And where did he work in the storage?

A In the mail office.

Q And where were they taken to?

A He brought them directly to the orderly room in the dispensary and on the way he couldn't steal anything.

Q Did you personally see Werkow in the mail office?

A Yes.

Q How often?

A Two or three times.

Q What was he doing there when you saw him?

A He was sitting there.

Q Do you know about the regulations which existed in force concerning these packages?

A No.

Q You stated that the packages which you received from the middle of 1944 were half empty?

A Yes.

Q At what time in 1944 was this?

A From July 1944 until February 1945. After that we didn't receive any packages at all.

Q Do you know that during the months of June, July, August 1944 Andrew was not in Lora?

A That I don't know.

Q Do you know what was missing out of those packages which you received?

A Yes.

Q What was missing?

A The best things.

Q What was that?

A For instance, cigarettes, a few pieces of chocolate or sardines or things like that, bacon.

Q Where had these packages come from?

A From various places in Bohemia.

Q And did they have chocolate there at this time?

A On the black market, Yes.

Q How do you know that this was removed out of the packages?

A In every package there was a list of the contents written by members of the family either on a piece of paper or on the cover of the package. Furthermore, I received secretly letters which were sewn into the packages from home.

Q Was that permitted?

A No.

Q Was there a censorship place in there for the packages?

A Yes, the post office.

Q Did you know the regulations which this censorship place had concerning the packages?

A No.

DR. RAU: Cross examination for the accused Walenta.

Q You stated that Walenta was first of all a prisoner and later on he was a civilian employee of the Gestapo. At what time was he a prisoner and at what time was he a civilian employee of the Gestapo according to your opinion?

A That is difficult to say. He walked around without a number in a striped suit with a tie. I saw him in civilian clothing first in March 1945.

Q And before that you saw him in a prisoners' suit with a number?

A That I don't remember any more if he sometimes had a number or not.

Q When did you see Malenta for the first time?

A That I don't remember exactly any more, either in Christmas 1944 or January 1945.

Q Isn't it a fact that Malenta often came into the dispensary?

A Yes, he was often in the dispensary.

Q Isn't it a fact that he also had good friends in the dispensary among the prisoners who he often visited?

A Yes, but we didn't know what he was.

Q You state that he was a confidence man in the camp. From what do you draw this conclusion?

A That I stated here already.

Q Please repeat.

A He came to the dispensary together with Nikolai Petrenko who had to receive violet rays because he had been beaten so badly in the bunker that he needed these violet rays.

Q Is this the only incident, this incident with Nikolai Petrenko, from which you draw these conclusions?

A No.

Q Do you have some more that you know about this?

A It was sufficient for every prisoner who was in the camp that man was walking around freely in the camp in civilian clothes. Furthermore, he went to the bunker to the interrogations of prisoners.

Q How do you know that Malenta was released?

A The entire camp knew that.

Q And where did the entire camp know this?

A That I don't know.

Q Was that a rumor in the camp?

A They were all convinced of this.

Q But nobody knew it?

A Those who were in the bunker who knew this should come here.

Q If a witness would come from the bunker and would say that a witness from the camp had told him that, what would you say to this?

PROSECUTION: I pray the court's judgment on this.

PRESIDENT: The objection is sustained. The witness will not answer the question.

QUESTIONS BY DR. [illegible]

Q You described the incident with Nikolai Petrenko and stated that Valenta screamed at the male nurse in the dispensary because he was speaking with Petrenko. Wasn't it prohibited that the male nurses speak to the prisoners who came from the bunker?

A Why, in front of a prisoner everybody can speak.

Q I believe you didn't understand my question. Didn't a prohibition exist that the male nurses were not permitted to speak to prisoners which came from the bunker?

A That is possible. I don't know that, but among comrades we did not do that.

Q Wasn't the accused Valenta during the time that Petrenko was receiving the X-ray treatment absent from this room for some length of time?

A He went outside several times.

Q You furthermore stated that Valenta alone had the authority to arrest people without the SS. How do you know this?

A That was just the case with Josef Kostelecky in Ostrava, Ostrava, Vitkovicka, Number 50. He led him up to the bunker and then he let him go free.

Q And on this is what you base your conclusions?

A Yes.

DR. [illegible]: No further questions.

PRESIDENT: The court will recess until 1330.

(Thereupon at 1155 hours the court recessed until 1330 hours.)

* * *

AFTERNOON SESSION.

(The court reconvened at 1330 hours.)

PRESIDENT: Court will come to order.

MAJOR CURTIS: Let the record indicate that all members of the court are present; all of the accused are present, the prosecution and the defense are both represented by counsel, the court reporter and the interpreter are present. At the end of the last session the witness Polak was under cross examination.

VACLAV POLAK, called as a witness by the prosecution, having been previously sworn, resumed the stand and testified further through an interpreter as follows:

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

PRESIDENT: The witness is reminded he is still under oath.

WITNESS: Yes.

Q Mr. Polak, you have testified on direct examination that you examined the bodies of prisoners who died in the outcamps of Lore. How did you determine from which outcamp any particular group of bodies came?

A The transport leader had the accompanying slips for each individual body.

Q And did the transport leaders tell you that these bodies came from a certain camp, or did that appear on the slips?

A That was entered on the papers already.

Q When you made the entries into these death books, did you include an entry showing from which outcamp this particular dead person came?

A In the beginning; later on only the copies were written out and stacked together in bundles.

Q Perhaps you didn't understand my question, Mr. Polak. What I want to know is whether you made an entry in these books showing from which camp any particular body came.

A Several of them are noted in this book as P-3 and P-12.

Q And what did those symbols indicate?

A That was the outside camp Koefleben and several other outside camps which had the designation B-3 and B-12.

Q Did the death certificates for the bodies which you examined come with the body or did they come at a later time?

A At the same time with the corresponding body.

Q I believed you testified that these bodies were naked; is that correct?

A Only those transports from Auschwich and Gross Rosen in February 1945 arrived with their clothing; otherwise the others were all naked.

Q If these bodies were naked, Mr. Polak, and you were handed a group of death certificates which corresponded to a group of naked bodies, that you were examining, how did you determine which particular body went with the particular death certificate?

A That I couldn't determine. The number had to be correct, that was all.

Q You mean by that that the total number of bodies had to match the total number of certificates; is that right?

A Yes.

Q How then could you tell, Mr. Polak, that the diagnosis as stated on a certificate was false, if you did not know with which body that death certificate went?

A In the majority of cases which came from the outside camps, their number was written either on their chest or on their left leg, in indelible pencil. If that was correct, if this particular number belonged to that particular man, we could not determine.

Q Who signed these death certificates that came with these bodies?

A One of the medical orderlies; that was the medical orderly in the camp.

Q I now show you, Mr. Polak, Prosecution Exhibits Nos. 32, 33, and 34,

being the death books. I show you first of all, Prosecution Exhibit No. 32, and ask you whether any entries in that book are in your writing or were made by you?

A Yes.

Q Will you please indicate which is the first entry which you made in that book?

A Here.

Q Let the record show that the witness is pointing to Item No. 21.

A That was only the outside camps; that was Harzungen.

Q Let the record indicate that the witness pointed to Item No. 21 under the entry in the outcamp of Harzungen in the back of Prosecution Exhibit No. 32. What is that date on the first entry, please?

A That is the date of the death and this is the date when it was cremated.

Q What date is that?

A On the 9-5-44. That is ninth of May, 1944, and on the 10th of May, 1944, cremated.

Q Now all other entries in this book, beginning with entry No. 1 and ending with entry 1102, deal with deaths at Dora, itself; is that correct?

A Yes, and here it is stated from what section, internal, outside, camp, delivered from the camp, delivered dead from work, and here "T", that is delivered from the tunnel.

Q None of these entries referring to Dora itself are in your handwriting; is that right?

A In this book, no.

Q Now are all the entries in Book No. 2 in your handwriting, Prosecution Exhibit No. 33?

A Two entries were made by Lubomir Duechek and Fritz Froell.

Why were these entries not made by you were you not on duty in the prisoners' dispensary at that time?

A No, I came to the dispensary in March 1944.

Q Now I show you book No. 3, which is Prosecution Exhibit No. 34, and ask you whether all the items in that book are in your handwriting?

A All that started with 2791. This is the first one.

Q Now do the deaths recorded in these three books, beginning with No. 1 and ending with the last entry in Prosecution Exhibit 34, Entry No. 3293, represent the total number of deaths in Ters and all of its outcamps from the period of the first entry in book No. 1, which is dated the 16th of October, 1943, until the period of the last entry in Book No. 3, dated the 11th of July, 1944?

A This was already closed out in March 1944. Then I only entered prisoners of Czechoslovakian nationalities who died. In February and March I copied all these entries into a large book.

Q You reported for duty in March of 1944, did you not, that is with the prisoners?

A I don't remember that exactly, it could have been in March or April.

Q So then, in other words, the only records which you yourself made in this book, or in any of these three books, refer to only the Czechoslovakian prisoners who died; is that right?

A No.

Q What other entries did you make after March, besides the Czechoslovakian names?

A There was already a large book in existence and I could not make all the entries any more, so toward the end I only entered those of Czech nationalities because I had kept with the fact that some day I would take that home with me.

(Volak - cross)

Q How this hanging that Kilian had, which SS doctor was present at that?

A That I don't know.

Q Do you recall seeing any doctor there?

A During the executions I couldn't determine or establish which doctor was present because I couldn't remain there, I couldn't stand it any more.

Q You mean you left before the execution was completed?

A Yes.

Q Didn't you testify that after these prisoners had been executed by hanging you saw Kilian give one the mercy blow with a stool?

A Yes. But at that time the executions didn't take place all at one time. All 60 of them were not hanged at the same time.

At the time that you saw this alleged incident in which Kilian hit this man with a stool, what SS doctor was present?

A That I don't remember.

Q How long were these prisoners permitted to hang before they were cut down?

A I didn't have a watch with me.

Q Well, can you estimate how long it was?

A Eight, twelve, fifteen minutes; I don't know exactly. I was much too excited to be able to follow everything that was happening there.

Q And were these prisoners already cut down? Had they already been hanging there from eight to twelve minutes when Kilian hit this man with a stool?

A Yes.

Q You stated that you were chairman of a committee for all Czechoslovakian prisoners who had been prisoners at Dora; is that correct?

A Yes.

Q And among these other [illegible] prisoners there were a number of them who have seen the same hangings to which you were referring, isn't that true?

A Yes.

Q And you have discussed with them, have you not, this incident of Kilian's hitting a man with a foot stool is that not a fact?

A Naturally when we get together we certainly speak about all the things what happened.

Q Isn't it a fact that you did not actually see this incident of this man hit by Kilian with the stool but that it was told to you by some of the other prisoners that were present?

A I saw it from the prisoners orderly room in the camp from the window. I can name further 10 witnesses.

Q Now, Mr. Polak, in reference to this shooting of these Italian prisoners that you testified about. Where were you standing at the time you saw these prisoners go by? I believe you said you saw it through a window. What window was that please.

A That was from the prisoners orderly room next to the gate.

Q Where was this north courtyard where the execution took place? Would you please show us on the map, for execution, exhibit P-22?

A Here. The second window and the window of the orderly room next to the roll call field.

DEFENSE COUNSEL: Let the record indicate that the witness is pointing to a spot in the north side of the building "Lab - Protective Custody Camp Leader."

A Here already the Italians were rowed under guard.

DEFENSE COUNSEL: Let the record indicate that the witness has indicated a road running between the two roll call grounds and the route of the march proceeds in a westerly direction.

(Polak-cross)

A ...ni in back of them about a hundred meters back the execution detail was walking. I noticed them or observed them until they approximately came to the kitchen.

Q ...ni where is---

A The wood courtyard was approximately here. This is not correct here. Here was the wood courtyard and the crematory was right above it.

[illegible] Let the record indicate that the witness has pointed to a position on Prosecutions Exhibit P-22 approximately lying east of the crematory.

Q How approximately what distance, was it approximately, from the wood yard to the window from which you were observing these events?

A I do not state or say that I saw the execution in the wood yard myself.

Q Yes, I understand that. I am just asking you to estimate the distance from where you were to the place where this execution took place?

A From the window of the orderly room one could not look out at the wood yard because barracks were in between.

Q What was the approximate distance in meters from your window of observation to the wood yard?

A Two hundred, two hundred fifty perhaps three hundred meters.

Q You did, however, hear the shots did you not?

A Yes.

Q Now how many other persons were at the execution grounds besides the ones in this detail you have mentioned?

A About 10 to 12 people. That is I didn't know.

Q Was there approximately 10 to 12 other persons in addition to those or were there 10 or 12 all together?

A The ones that I have pointed here and those that I didn't know. The rest all together there were 10 to 12.

(Polak-cross)

Q You don't know which ones of these members of this commando or these 10 to 12 fired the shots did you?

A No.

Q You were in camp from approximately, I believe you said, September of 1943 until the end, is that correct?

A Yes.

Q And you had occasion to work in the tunnels, you worked in the prisoner's dispensary and you had occasion to observe conditions in the entire camp and in the tunnels, did you not?

A Yes.

Q Will you tell the court where that whipping block was kept, Prosecutions Exhibit P-30?

A I saw it once. At that time the roll call field was directly above the tunnel.

Q And---

A Approximately 100 to 200 meters away from the tunnel on an incline.

Q Was it out of doors or in the building?

A I only saw it on the roll call field as a punishment was going on.

Q That was out of doors, is that right?

A Yes.

Q Now, do you know, of your own knowledge or did you hear that Zwiener and Killian were forced to perform these hangings?

A I heard that they volunteered of their own free will for this.

Q Did you know the prisoner Szymcak?

A Yes.

Q Did he volunteer as a hangman too?

A No, he refused it.

Q Did he ever perform any hangings?

A No.

(Pelak-cross)

Q You don't know which ones of these members of this commander these 10 to 12 fired the shots did you?

A No.

Q You were in Dora from approximately, I believe you said, September of 1943 until the end, is that correct?

A Yes.

Q And you had occasion to work in the tunnels, you worked in the prisoner's dispensary and you had occasion to observe conditions in the entire camp and in the tunnels, did you not?

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Q Did you know the prisoner Szymcak?

A Yes.

Q Did he volunteer as a hangman too?

A No, he refused it.

Q Did he ever perform any hangings?

A No.

(Pelak-cross)

Q Do you know the former prisoner Peter Lehrer?

A No.

DEFENSE COUNSEL: No further questions.

PRESIDENT: Any redirect?

PROSECUTOR: None.

PRESIDENT: Examination by the court.

EXAMINATION BY THE COURT

QUESTIONS BY THE PRESIDENT OF THE COURT:

Q You stated that you saw the accused Zeonig very often beat prisoners in the prisoner orderly room, is that correct?

A Yes.

Q How severely did he beat these prisoners?

A That varied from 10 to 20 blows.

Q Were the prisoners beaten severely enough so that they had to be sent to the dispensary for treatment?

A No.

Q You stated that you were present when Sivon beat some prisoners, is that correct?

A Yes.

Q How severely were they beaten by Sivon?

A I cannot remember if anybody died from this or if they suffered severe body injury.

PRESIDENT: No further questions by the court.

PROSECUTOR: No. I should like to ask that the witness be permanently excused. He goes back to Prague with the previous witness Cespiva.

DEFENSE COUNSEL: If it please the court I should like to direct one more question to the witness before he is excused.

PRESIDENT: You may do so.

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q You testified that you never saw the accused Brinkmann beat anyone

is that correct?

A Yes.

Q Were you ever present at roll calls where Brinkmann was a roll call leader?

A Yes.

Q And on these occasions you did not see him beat anyone is that right?

A No.

DEFENSE COUNSEL: We have no objection to the witness being permanently excused except that we would like to have the opportunity to speak to the witness at the next recess of the court and on the understanding that we may want him as a defense witness. After that if we do not want him we would be pleased to excuse him permanently.

PRESIDENT: Will you then make a definite statement at the end of the next recess?

DEFENSE COUNSEL: We will do so.

PRESIDENT: The matter will be postponed until then.

The witness may be excused for the time being.

(Thereupon the witness was excused and withdrew.)

PROSECUTION: Oskar Junk.

OSKAR JUNK, called as a witness by the prosecution, being first duly sworn, took the stand and testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION:

Q What is your full name?

A Oskar Junk.

Q Where do you live?

A In Saarbrucken.

Q What street and number.

Is that correct?

A Yes.

Q Were you ever present at roll calls where Brinkmann was a roll call leader?

A Yes.

Q And on those occasions you did not see him beat anyone is that right?

A No.

DEFENSE COUNSEL: We have no objection to the witness being permanently excused except that we would like to have the opportunity to speak to the witness at the next recess of the court and on the understanding that we may want him as a defense witness. After that if we do not want him we would be pleased to excuse him permanently.

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PROSECUTION: Oskar Junk.

OSKAR JUNK, called as a witness by the prosecution, being first duly sworn, took the stand and testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION:

Q What is your full name?

A Oskar Junk.

Q Where do you live?

A In Saarbrucken.

Q What street and number.

A Hellbergerstrasse, 74.

Q How old are you?

A 28 years old.

Q What is your civilian occupation?

A Worker.

Q Your nationality?

A German.

Q Were you at one time a prisoner in a concentration camp?

A Yes.

Q Which one?

A Oranienberg, Flossenberg, then again in Oranienberg, Buchenwald and Dora.

Q When did you come to Dora?

A On the 4th of 5th of September, 1943.

Q How long did you stay there?

A On the 30th of July, 1944 I was transferred to Wieda and from there to Osterhagen.

Q During the time you were at Dora, what were your occupations?

A In the beginning I was on the detail Amoniak as a miner.

Q Where did you work as a miner for Amoniak?

A In the tunnel, in tunnel number 26.

Q After you stopped working in the tunnel, what was your next work?

A Then I came to the camp detail.

Q What was your work there?

A There I was the foreman for the food carrying detail of the SS. The food had to be carried from the kitchen to the barracks.

Q During the time you were at Dora did you come to know some of the SS and other people there?

A Yes.

A Hellbergerstrasse, 74.

Q How old are you?

A 28 years old.

Q What is your civilian occupation?

A Worker.

Q Your nationality?

A German.

Q Were you at one time a prisoner in a concentration camp?

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A Then I came to the camp detail.

Q What was your work there?

A There I was the foreman for the food carrying detail of the SS. The food had to be carried from the kitchen to the barracks.

Q During the time you were at Dora did you come to know some of the SS and other people there?

A Yes.

Q Before I ask you anything more about the people you met can you tell me just a little bit more about the work of this food carrying detail?

A Yes.

Q Please.

A The food of the SS was cooked along with the food in the prisoners kitchen. I had 10 men. With these 10 men I had to carry the food when it was cooked at noon to one of the bunk racks where the man who distributes the food and had to hand it to him there.

Q Did you bring the food for the prisoners or was it the food that you brought for the SS or both?

A No the food was for the SS.

Q Now will you look around the courtroom Herr Junk and point out to the court, one at a time, any people whom you met while you were at Dora or any of the outcamps of Dora?

A Yes. I have to get up because I see very badly.

PRESIDENT: I am sure the court has no objection.

PRESIDENT: Tell the witness to go right up in front of them and point directly to the man.

A Andrae.

PRESIDENT: Let the record indicate that the witness identified the accused Andrae wearing placard number one.

A Braung.

PRESIDENT: Let the record indicate that the witness identified the accused Braung wearing placard number two.

A Brinkmann.

PRESIDENT: Let the record indicate that the witness identified the accused Brinkmann wearing placard number three.

A Letners, number five.

PRESIDENT: Let the record indicate that the witness identified the accused Letners wearing placard number five.

Will you please go up to the people you identify and point to them?

A Jacobi.

PROSECUTION: Let the record indicate that the witness identified the accused Jacobi wearing placard number 8.

A Simon.

PROSECUTION: Let the record indicate that the witness identified the accused Simon wearing placard number 16.

A Koenig.

PROSECUTION: Let the record indicate that the witness identified the accused Koenig wearing placard number 11.

A Moeser.

PROSECUTION: Let the record indicate that the witness identified the accused Moeser wearing placard number 13.

A I recognize the fourth one, this fourth one, but I don't know his name.

Q Now will you before you sit down look over each of the accused individually and see if there are any others that you recognize? Look them over one at a time.

A Kilian. Zwiener.

PROSECUTION: Let the record indicate he has identified the accused Kilian wearing placard number 10.

PRESIDENT: Which one is he?

THE WITNESS: Here.

PRESIDENT: Is he on the end or next to him?

THE WITNESS: On the end.

PROSECUTION: Let the record indicate that the witness identified the accused Zwiener wearing placard number 19.

A Valenta.

PROSECUTION: Let the record indicate that the witness identified the accused Valenta wearing placard number 18.

A Rickhey.

PRESIDENT: Which one is he?

A The one with the glasses.

PROSECUTION: Let the record indicate that the witness identified the accused Rickhey wearing placard number 14.

Q Any others?

A I know them by sight, but I don't know their names. The second one I don't know what his name is.

Q All right sit down and you can tell me his job.

You stated that you recognized--

PRESIDENT: Just a moment. Major Poullada I want all those people who have definitely been identified to have their numbers showing and all those who have not been identified not to.

QUESTIONS BY THE PROSECUTION:

Q Now, Herr Junk you identified or you told the court that there were one or two people among the accused whom you had seen but didn't remember there names?

A Yes.

Q Now will you please indicate to the court between which numbers the people are sitting or next to which numbers the people are sitting that you recognized but didn't remember their names?

A The accused between number three and five.

Q All right, let's finish with him. Step there and take your seat, please.

(Whereupon the witness Oskar Junk resumed his place on the witness stand.)

Q Where did you see that man?

A In Camp Dora.

Q What can you tell the court about him?

A He was the detail leader and was in the tunnel most of the time.

Q Anything else?

A He was known in the camp for beating.

Q Anything else?

A No.

Q Is there anybody else that you remember seeing whose name you don't remember? Will you point them out to the court?

A The one that is sitting next to number 11.

Q What can you tell the court about him?

A Nothing. I only knew him from Camp Dora.

Q Now, you have identified Andrae. Will you tell the court what you know about Andrae?

A Andrae was in charge of the post office, and I often saw that Andrae took things out of the packages of the prisoners.

Q Now, what was the occasion for your presence at the post office when you saw the e things?

A The first time the Master Sergeant Eckhardt who was the First Sergeant of the Staff Company at that time --- I was at that time an orderly in the orderly room.

Q And what did that fact have to do with your being in the post office?

A He sent me up to the Sergeant Andrae.

Q For what purpose?

A He gave me a slip which I had to deliver to the Sergeant, and I

(Junk-direct)

received a package from the SS Sergeant Andrae.

Q What was in the package?

A There were cigarettes in them.

Q What would you do with the package?

A That I gave to the Master Sergeant Eckhardt.

Q How often did you carry out those errands for Eckhardt?

A Twice.

Q To whom did you deliver this message?

A To Andrae.

Q From whom did you get the package which you later gave to Eckhardt?

A From Andrae.

Q Did you see where Andrae obtained the package which he gave you to bring to Eckhardt?

A Yes, he took it out of his drawer from his table.

Q Did you see any other similar packages on his table or in the drawer in his table?

A No. I wasn't that close that I could look in.

Q Now, you also identified the accused Braany. What can you tell the court about him?

A I am not finished with Andrae.

Q Oh, I am sorry. Please finish.

A When I was the foreman working for the firm of Gruen & Bilfinger I often received slips from the work allocation leader and from the roll call leader Brunn.

Q Who was the labor allocation leader at that time?

A Simon.

Q Continue, please.

A This slip was designated for bread. The details who did heavy labor always received bread which was taken out of the packages and placed

in sacks, and I personally saw how Andrae opened these packages which were designated for the prisoners and how he took out of there bread and tin cans.

Q What would he do with this bread and the tin cans, if you know?

A The bread was placed into sacks and was distributed to the details.

Q And how about the cans?

A I don't know what happened to these.

Q Now, what do you know about Braumy?

A When I came to Dora the SS Master Sergeant Brauny was the camp leader.

Q Who was his immediate superior at that time?

A SS Major Foerschner.

Q Continue, please.

A When I first came to Dora SS Master Sergeant Brauny and SS Master Sergeant Koenig were the only two higher SS leaders who were there. There was another SS Master Sergeant who was there who was in charge of the work allocation, but I don't know his name.

Q What can you tell the court about Brauny -- anything further? Brauny and Koenig?

A We worked in the tunnels 12 hours. When we moved out of the -- when we came out of the tunnel, we still had to drag parts of the barracks which were being constructed at that time up in the camp. When the workers who were tired had to carry these parts of the barracks, the Master Sergeant Brauny and Master Sergeant Koenig ran in back of them and beat them with cudgels so that they should walk quicker than the double time in which they were going. The SS Master Sergeant Koenig often drew his pistol. I never saw that he shot anybody to death. I know that one time a Frenchman with the prisoner number 21979, whose first name was Victor, that he shot him in the leg -- a glancing shot in the leg.

Q Now, what kind of clubs or cudgels were these that Koenig and Brauny used to beat prisoners with?

A They were smaller pieces of the barracks, boards and slats.

Q Where would they beat the prisoners?

A Wherever they happened to hit.

Q On what would they beat any particular prisoner?

A Well, they just hit wherever they happened to hit and whoever happened to be there.

Q Can you tell the court what was the result of these beatings by Brauny and Koenig?

A That the people were bleeding and that they had bruises which were blue.

Q Now, you also identified the accused Prinkmann.

A I am not finished.

I am sorry. Continue.

A At that time I complained to the foreman of the miners, the civilian foreman, that the miners would still have, after they were finished with their work in the tunnel, would still have to work in the camp upstairs. Thereupon the miners, even when they had to go up on top, they didn't have to work any longer on the construction of barracks. My capo reported me to Master Sergeant Koenig that I had complained to the civilian workers. Thereupon Master Sergeant Koenig had me called that evening after work to the tent of the protective custody camp to the police and then he beat me with a rubber hose and afterwards he made me stand at attention and kicked me several times then in my left leg.

Q Wait a minute, please.

PROSECUTION: I don't think the interpreter translated the complete answer. "...kicked me in my left leg" with something, I think he said.

A And kicked me several times in my left leg with boots, in my

(Mayer-Direct)

left shin.

Q How often did he beat you with this rubber hose?

A I don't know, but I only know that two of them broke. Afterwards when I went to the tunnel I had a swollen head and a hemorrhage in the leg. The next day I went to the dispensary and [illegible] Master Sergeant Koenig came along and chased me out. And with the assistance of the capo of the camp police I was operated on my leg twice in the tunnel. I have the marks, the scars, on my leg today yet.

Q Will you roll up your trouser leg and let us see that scar. Show the court.

PROSECUTION: Let the record indicate that the witness has shown a scar on the left leg just above --- How many inches above the shin?

DEFENSE COUNSEL: Above the ankle, you mean?

PROSECUTION: Above the ankle.

DEFENSE COUNSEL: About three inches.

PROSECUTION: --- about three inches above the ankle.

Q What kind of an instrument did Brauny use in these beatings?

A Brauny also used a cudgel, but he didn't beat as much as Koenig.

Q How many prisoners did you personally see Brauny beat?

A That I can't even say.

Q Can you give an estimate of the number?.

A That is very difficult. Half of the day we were down in the tunnel and during that time half of them were working outside the camp and they were also getting beat. That had to go very fast with this dragging the material for the barracks because as fast as Camp Dora was built no other camp has ever been built.

Q Now, you also identified Drinkmann. What can you tell the court about Drinkmann?

A Drinkmann came to Dora in the beginning of 1944. He was SS Master Sergeant and also the first roll call leader.

Q Did he ever have any other jobs besides roll call leader at

Dora?

A Yes, he was the second protective custody camp leader.

Q Going back to Koenig for a moment. What job did Koenig have?

A Block Master Sergeant.

Q And what were his duties?

A He was roll call leader at first.

Q Now, Brinkmann was first roll call leader and then second protective custody leader. What else can you tell the court about Brinkmann?

A When Brinkmann arrived, Koenig had already been relieved as roll call leader. Brinkmann particularly used chicanery on the capoes and the block eldests so that they in turn should use chicanery on the prisoners.

Q What kind of chicanery?

A He always had the capoes and the block eldests assembled and made them do sports.

Q What kind of sports?

A They had to roll around on the roll call field; they had to hop, and if somebody became exhausted he went up to them and kicked them.

PRESIDENT: The court will recess for 15 minutes.

(Whereupon the court recessed at 1450 hours.)

* * *

(Whereupon the court reconvened at 1505 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all members of the court are present, the prosecution and defense are represented by counsel, all of the accused are present, the reporter is present. There is a new interpreter to be sworn.

At the end of the last session the witness Junk was under direct examination.

PRESIDENT: The court has appointed Mrs. Emily Powys-Lybbe as interpreter. She will be sworn.

(Whereupon Mrs. Emily Hoyes Webb, U.S. Civilian, was sworn as court interpreter.)

PROSECUTION: Sir, I am informed by the defense that they would like to use the witness Polak as a defense witness for about 15 minutes and I am perfectly agreeable that we suspend with the witness Junk for that purpose at this time, subject to the court's approval.

PRESIDENT: Do I understand you want to introduce Polak as a defense witness at this time?

DEFENSE COUNSEL: If the court so approves, we would like to do that in order that he may return to Prague and be excused permanently.

PRESIDENT: There is no objection. The defense may do so.

The witness Junk will be excused for the time being.

(Whereupon the witness Oskar Junk was excused and withdrew.)

VACLAV POLAK, formerly a witness for the prosecution, was recalled as a witness by the defense and being reminded that he was still under oath, testified through a Czech interpreter as follows:

(Whereupon the proceedings were translated into the German language.)

DIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q Herr Polak, you identified the accused Mischein when you first came into court. You recall that, do you not?

A Yes.

Q You had occasion to know the accused Mischein in Dora, is that correct?

A Yes.

Q And did you ever know, did you ever see him, or did you ever hear of his mistreating prisoners?

A No.

Q Did you ever see, did you ever know, or did you ever hear that he signed false death certificates?

A Not in Dora.

Q Did you have occasion to observe his attitude toward prisoners?

A Yes.

Q Will you tell the court how he conducted himself toward the prisoners?

A He often came into the prisoners' dispensary with a message for Dr. Kahr, and I spoke several times with him. He behaved quite friendly towards me, but I don't know how he behaved toward Proell or the others.

Q Now, did you have occasion to see how he behaved toward prisoners who were patients in the dispensary?

A He had no contact with patients.

Q Did you have any other occasion to see him come into contact with prisoners at any time?

A I didn't see that.

Q Now, you testified on direct examination that you were the chairman of this group of Czechoslovakian former prisoners of Dora.

A Yes.

Q In your meetings and conversations, have you ever heard from any of those 800 former prisoners that Maischein did any wrongful act toward prisoners?

A I never heard that.

Q Now, during your service at Dora you had occasion to see all the death certificates and the bodies which came from the Boelke Kaserne, is that correct?

A Yes.

Q Did you during your service in Dora ever see a death certificate signed by Dr. Schmidt?

A I never saw that, but, on the other hand, it wasn't important to me.

Q Did you ever tell Dr. Vespiva that you had seen or that you knew that Dr. Schmidt had signed false death certificates?

A No.

DEFENSE COUNSEL: No further questions.

CROSS EXAMINATION

QUESTIONS BY PROSECUTION:

Q You stated, correctly, that so far as Waischein and Dora were concerned you never knew of him to sign a false death certificate. Did you know Waischein at the time he was at Rottleberode?

A Yes.

Q What can you say about the truth or falsity about death certificates which came in from Rottleberode, if anything?

A I am no doctor and I don't understand anything about diagnoses and he entered from the condition of the corpses from what the various people had died.

Q Now, you said the fact that you did not see any signatures by Dr. Schmidt on the reports which came from Boelke Kaserne or because it wasn't necessary to you -- what do you mean by that?

DEFENSE COUNSEL: He said it wasn't important.

Q --- was not important to you. What do you mean by that?

A The only thing of importance to me was the name of the prisoner, his prisoner number, and the date of birth, so that I could make the according entry into the death book.

(POLAK-Cross)

Q Those death reports which accompanied bodies which came to ora from outcamps of ora, were they signed by a physician, or were they signed by the sanitary assistant?

A From the outcamp at ..rsumgen they are signed by Dr. Weiher; from Ellrich they were signed by Dr. Johnsemann.

Q How were they signed from Rottleberode?

A From Rottleberode they were signed by SS Corporal Aut..sen.

Q And how were they signed, the ones that came from Boelke Kaserne and the bunker at Boelke Kaserne?

A We made no distinction between Boelke Kaserne and the bunker of Boelke Kaserne. We called it all Boelke Kaserne, and all that came from Boelke Kaserne was signed by Neubert.

PROSECUTION: No further questions.

DEFENSE COUNSEL: The defense has no further questions.

EXAMINED BY THE COURT

QUESTIONS BY MEMBERS OF THE COURT:

Q Were you very friendly with Maisonem while you were at Dora?

A No.

Q The court could not help but notice the friendly greeting between you and Maisonem this morning when you recognized him in the dock. Can you explain that?

A Well, this man never did to any harm, and I never heard that he had beaten anyone, and because he was always smiling, I smiled, too.

Q What were you arrested and confined at Camp Dora for?

A For political reasons, because of treason.

Q In your direct examination this morning, you said that you only saw the accused Hickney once and yet if you were to see him ten years from now you would still know him. Why is that?

A I remember everybody whom I see once in my life.

(Polak-Court)

PRESIDING: No further questions by the Court.

DEFENSE COUNSEL: No further questions by the defense.

PROSECUTION: I assume now that he is to be permanently excused.

DEFENSE COUNSEL: The defense has no objection to permanently excusing him.

PRESIDING: The witness Junk will be permanently excused.

(Thereupon the witness was excused and withdrew.)

OSKAR JUNK, called as a witness by the prosecution, resumed the witness stand, and being reminded that he was still under oath, testified further through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY DR. SCHILF:

Q Herr Junk, just at the end of the last recess you were testifying about these sports that Brinkmann used to conduct. Who were the participants in these sports?

A That was punishment sports.

Q Who would take part in it?

A Prisoners who had received punishment reports, capos, and block eldests.

Q Will you describe in some detail just what these sports consisted of?

A The prisoners had to stand in line in formation after working hours in the evening and then they had to go over to the roll call square and then had to run across the roll call square holding their arms out in front. They had to do knee bends, and they had to run.

Q What else did they have to do besides running and doing knee bends?

A Lying on the ground and raising up and down again using their arms, knee bends.

Q How long would this last?

A Well, sometimes it lasted until about 10 o'clock in the evening when it got dark.

Q men could it begin.

A After roll call.

Q At what time?

A Well, when roll call was over it was usually 6 o'clock.

Now, who gave the orders to do these things, what to do, when to run, and when to do anything else they did

A Master Sergeant Brinkmann. He also introduced this, before he came it was unknown.

Q What would be the condition of the prisoners after this sort was over?

A Well, they were pretty well fatigued and exhausted and furlshed.

Q What would happen to a prisoner who couldn't keep up?

A He was kicked.

Q By whom?

A From Master Sergeant Koenig and Tech Sergeant Ickert. It was always there, too.

Q Where would the prisoners be kicked?

A Into the small of the back.

Q Can you tell what the condition of these prisoners was—of some of them at least after being kicked in the back in this way?

A One evening after work when I was relieved and got back up into the camp the sports were just over and several of them remained lying there, and I was told by a cops by the name of Ludwig Zaykosk to pick up one of these and carry him back to the barracks, but before we on the way there he was constantly groaning because it hurt him, we carried him, we took him to the dispensary, and there they said he had a broken rib.

Q How many cases would you say that you saw personally of prisoners who were kicked or beaten for failure to keep up during these exercises, sports?

A Definitely twenty.

Q , could you name more than one person whom you saw kick prisoners or capos or block elders during those sports?

A Well, the block elders and the capos were never kicked because they were always in good physical condition. The ones that couldn't keep up with the sports were the ordinary prisoners.

Q Well, who did those ordinary prisoners--name them.

A Master Sergeant Brunkmann, Technical Sergeant Pickart.

Q Who else?

A And there was a sergeant there, too. He was somewhat older. I don't know his name.

Q What was Brunkmann's reputation among the prisoners?

A Well, one would rather see him from the back than from in front.

Q Why?

A He was known to be a beater.

Q With what instrument did he beat?

A Oh, any piece of wood or a club--whatever he just managed to find.

Q Did you personally see Brunkmann beat any prisoners?

A Yes.

Q How many times did you see Brunkmann beat prisoners? Or about how many?

A Well, it is hard to say definitely--10 or 15 times.

Q What was the nationality of the people that Brunkmann would beat?

A I don't know, they were all nationalities.

Q Name some of them.

A Well, Frenchmen, Russians, Poles, everything that was in the camp.

Q Going back to Brunkmann for a moment, what was the nationality of the people they beat?

A All nationalities that were represented in camp.

Q Name some of them.

A At that time we chiefly had Frenchmen, Russians, and Italians.

Q In what parts of the camp would he beat them?

A Wherever he happened to be.

Q And where would he hit them with the shovel handle?

A On the back in the small of the back, and it didn't matter if somebody got one on the head.

Q Why did he beat them?

A Well, you will have to ask him, I don't know.

Q Did he ever give any reasons for beating someone?

A No.

Q What happened to some of the people that he beat on the head with this shovelhandle?

A Afterwards they were incapable of working, and they had to have medical treatment.

Q Where at?

A In the dispensary.

Q Did you ever see any of these people in the dispensary?

A Yes.

(Jurk-Arnot)

Tk 14:-gue-Jordneu con-d/27/47-b

Q Now, you also recognized Muehring. Will you tell the Court about Muehring?

A Muehring was a detail leader, and he was mostly in the mine or in the tunnel. He was also known to be a bad man. And the prisoners were also afraid of him.

Q Why?

A Because he also beat them.

Q With what?

A With a club.

Q What kind of a club?

A The handle of a shovel.

Q Now, where would he beat these prisoners?

A Wherever he happened to hit them.

Ik 14?-ghe-Bordner-cm-5/27/47-b

Q Did you ever see anybody in the dispensary that was beaten by Kranny, and Zoomie?

A Yes.

Q What happened to these people that were beaten by Kranny, or Krankheim or Hienrine after they got to the revere—to the hospital?

A Well, they were treated in the dispensary but I don't know exactly what they did with them because I wasn't working in the dispensary. I only know that some of them remained in the dispensary a very long time and I know of one who never came out of the dispensary at all. He died there from bleeding, hemorrhage of the lungs.

Q By whom was this man beaten who died of hemorrhage of the lungs?

A He was beaten by Aomige.

Q Now, you have already talked about Zoomie, I take it. Can you tell the Court anything else you know about Aomige?

A Well, in the beginning he was an [illegible] and he was relieved because so many prisoners were coming in that he had to go to the dispensary. And he was an orderly, very active with the [illegible] and First Sergeant Egbers was just for punishment sent to Block 14, Master Sergeant Aomige became acting first sergeant—he took his place. At that time I was orderly in the orderly room, and I know that the chief in the kitchen and Master Sergeant Aomige went to the commandant. Afterwards he was relieved again the next day.

Q Where did he go after he was relieved?

A As far as I could get to know, Penzeratsche—that is the train station.

Q In what camp?

A In Gross.

Q Did you ever see anybody in the [illegible] with [illegible]?

A Yes.

Q Did you ever see anybody in the dispensary that was beaten by Kemmy, and Koenig?

A Yes.

Q What happened to these people that were beaten by Kemmy, Koenig or Brunemann or Buenning after they got to the rivers—to the hospital?

A Well, they were treated in the dispensary but I don't know exactly what they did with them because I wasn't working in the dispensary. I only know that some of them remained in the dispensary a very long time and I know of one who never came out of the dispensary at all. He died there from bleeding, hemorrhage of the lungs.

Q By whom was this man beaten who died of hemorrhage of the lungs?

A He was beaten by Koenig.

Q Now, you have already talked about Koenig to some extent. Can you tell the Court anything else you know about Koenig?

A Well, in the beginning he was [illegible] and he relieved Sergeant Major [illegible] to the dispensary. And he was particular very much with the [illegible] first Sergeant Majors but went for reinstatement back to Buchenwald, Master Sergeant Koenig acting first sergeant—he took my place. At that time I was orderly in the orderly room, and I knew that Graf in the kitchen and Master Sergeant Schwager went to [illegible] afterwards he was relieved again the next day.

Q Where did he go after he was relieved?

A As far as I know he went to the Four Creatsche—that is the trans creation camp.

Q In what camp?

A It was.

(Junk-Direct)

And what were your duties in the tunnel—what job did you do in the tunnel—what kind of work?

A That is what I said before, first I was in the detail assigned. We were drilling.

Q Who did you drill?

A We drilled the tunnel further.

Q The holes that you drilled, were they for explosives?

A Yes.

Q What class of people in the tunnel did the boring the way you did?

A When we arrived there those were all experts; they had come from Oranienburg and they were all in very good condition when we arrived. At first we had no dust masks in this tunnel and the work there was so hard; because of the additional work of the barracks construction very shortly they lost a lot of weight.

Q The question is, this, were those people civilians or were they prisoners of the camp?

A Prisoners.

Now the question is this: Were these people civilians or were they prisoners of the camp?

A Prisoners.

Q Now you also identified Detmers, what can you tell the court about Detmers?

A After the orderly room of the staff company was dissolved I went as orderly to first Sergeant Krueger, and I often received a bag containing bottles and I had to take it from Krueger to Detmers. Krueger was the head of the cooking department for the entire camp and often when I got up to Detmers' I heard shouting and beating from Detmers' room. His room was located next to the rollcall leader's room. Those were always prisoners about whom a report for punishment had gone in because of sabotage or because they refused to carry out the capo's orders.

Q Tell the court exactly what you saw and heard as taking place in Detmers' room on these occasions when you brought up these bottles?

A When I went up there I wanted to go in but he sent me out, and there was a prisoner inside and I waited outside in the hall and I heard beating and shouting coming from the room.

Q Could you hear any words?

A No.

Q Who was in the room when you were sent out?

A 1st Lt. Detmers and some prisoners.

Q Did you ever stay there long enough to see the prisoners come out of the room?

A I always had to wait until he came out.

Q Describe these prisoners that you saw come out of Detmers' room after these beatings and these noises that you heard.

A Well, some of them were lame and they were bleeding in the face. None of them came out laughing.

Q What happened to these people?

A I don't know anything further. I don't know whether they were

...er there were oxtails, but I

...ot those.

...ved the room next door, do you know?

That was the roll call leaders room.

interrogated later again.

Q How soon after these prisoners left Betners' room would you then go into the room yourself?

A Right afterwards.

Q Did you see anything in Betners' room which could have caused those noises that you say you heard come out of there?

A No. I never stayed in there very long, I just went in there and said, I have to give you this bag from 2nd Lt. Krueger, and then I went right out again.

Q Do you happen to know what was in those bottles?

A Vodka and wine, because once I took the bottles out since I had to take the bag back with me.

Q Do you know what instrument was used to beat these prisoners, whose beatings you have just described?

A I don't know. In the room next door there were oxtails, but I don't know whether he used to get those.

Q Who occupied the room next door, do you know?

A That was the roll call leaders room.

Q M/Sgt. Brinkmann and M/Sgt. Krumm.

Q Now you also recognized and identified the accused Jacobi. What can you tell the court about Jacobi?

A Tech. Sergeant Jacobi was head of the D. W., the carpentry department. I often saw him beating people.

Q Where would Jacobi be when he handed out these beatings?

A In the camp.

Q What did he use to beat with?

A Wood. Boards or a piece of wood.

Q Describe the dimensions of this piece of board, of this wood to the court?

A Well, it was about eight to ten centimeters wide and one and

one-half centimeters thick.

Q About what part of the body would Jacobi beat prisoners?

A The rear part of the body.

Q How many times would he beat a prisoner?

A Five or six times. It happened also that he beat them more often.

Q How often did you see Jacobi beat prisoners?

A Four or five times.

Q What would be the reason for him beating the prisoners?

A Allegedly because they stole wood.

Q You also identified the accused Simon; what can you tell the court about Simon?

A Simon was at first a sergeant and afterwards a Tech Sergeant, and he was work commitment leader.

Q What can you tell the court about him?

A He had to assign all the prisoners to work. He was responsible for the assignment of all the prisoners and the various details.

Q How did he carry out that assignment?

A Well, when a transport came in he would assign the prisoners to where they needed prisoners, to the tunnels or in the camp, or some other detail.

Q Can you tell the court anything else about assignment?

A Well, as I said before, when I was in the orderly room I often had to take bottles from 1st Lt. Krueger to Tech. Sergeant Simon. And when I was relieved there by order of Tech. Sergeant Simon I had to receive the 25. Well, there was a kind of structure erected at the gate and in the morning I had to stand on this and M/Sgt. Truma took me down from there and sent me back to my block.

Q What kind of structure was that?

A Well, there were posts and there was a board over them and M/Sgt. Truma sent me away from there and he shouted at M/Sgt. Simon and said without his knowledge and permission nobody was to stand there.

The next day I went out on the detail Netzkater.

Q What kind of a detail was that?

A That was a stone quarry.

Q Where was this stone quarry located?

A It was located about 20 kilometers outside of camp. Here it is. (Indicating on map.)

PROSECUTION: The witness points to the word "netzkater", which appears on Prosecution Exhibit No. 20-A. Anything else you can tell the court about Simon?

A On that same day that the T'Sgt. Simon came to the Netzkater detail and because I was working on the drill machine he told me that I was going to be sent to the commando Gruen and Wuelfinger. He said that he had assigned me to the detail Gruen and Wuelfinger and how it was that I was here, and then I told him that I had received a notice from the Works Statistics to report here.

Q What was the result of that conversation?

A That I got it in the evening again because I had been on the wrong detail.

Q What do you mean by "you got it again"?

A I got another 25.

Q By whom?

A From the prison as in the Works Statistics in the presence of Sgt. Simon.

Q Now you also recognized the accused Woesser. What can you tell the court about Woesser?

A I am not finished yet.

Q Sorry, continue.

A When I got to the detail at Gruen and Wuelfinger there was an Italian foreman there. And the civilian worker there had put in a complaint that

The next day I went out on the detail Netzkater.

Q What kind of a detail was that?

A That was a stone quarry.

Q Where was this stone quarry located?

A It was located about 20 kilometers outside of camp. Here it is. (Indicating on map.)

PROSECUTION: The witness points to the word "netzkater", which appears on Prosecution Exhibit No. 20-A. Anything else you can tell the court about Simon?

A On that same day that the T'Sgt. Simon came to the Netzkater detail and because I was working on the drill machine he told me that I was going to be sent to the commando Gruen and Wuelfinger. He said that he had assigned me to the detail Gruen and Wuelfinger and how it was that I was here, and then I told him that I had received a notice from the Works Statistics to report here.

Q What was the result of that conversation?

A That I got it in the evening again because I had been on the wrong detail.

Q What do you mean by "you got it again"?

A I got another 25.

Q By whom?

A From the prison as in the Works Statistics in the presence of Sgt. Simon.

Q How you also recognized the accused Woesser. What can you tell the court about Woesser?

A I am not finished yet.

Q Sorry, continue.

A When I got to the detail at Gruen and Wuelfinger there was an Italian foreman there. And the civilian worker there had put in a complaint that

he could not make himself understood with this Italian, and then he came down and he put me in charge as foreman, together with another man, because we were the only Germans in that detail, and we always received people in this detail who had done something wrong in camp, or allegedly had, and were punished. They were transferred here for punishment. One day I received a Frenchman who had been a male nurse in the dispensary and he had been relieved also for punishment. He came from somewhere near my own home, Marinau, near Forbach. That is located five miles away from my home city. The civilian in charge always beat this Frenchman.

Q That is not Simon. I want to know only what Simon did.

A And so I put in a complaint to Sgt. Simon and the civilian in charge did too, and Simon said, "Well, either he works or he goes to the dogs. And I told him that this man was working, but he could not work like any other laborer because he was a nurse, and he said to me, "That makes no difference, either he works or he goes to pieces. Either he works and it would be all right, or he doesn't and then he goes to pieces and I will become the capo."

PRESIDENT: The court will recess for fifteen minutes.

(Whereupon the court recessed at 1600 hours.)

(The court reconvened at 1620 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present, the prosecution and defense are represented by counsel, all the accused are present, the reporter and interpreter are present. At the end of the last session the witness Junk was under direct examination.

OSCAR JUNK, called as a witness by the prosecution, having been duly sworn, resumed the stand and testified further through an interpreter as follows:

PRESIDENT: The witness is reminded he is still under oath.

A Yes.

DIRECT EXAMINATION (Continued)

QUESTIONS BY PROSECUTION

Q Now you also identified the accused Woeser, Herr Junk, what can you tell the court about Woeser?

A I personally couldn't say anything about Woeser, I didn't see anything.

Q Can you tell the court very briefly what you heard about him from other prisoners?

A When I was in Riedern I often went by car to the camp in Fora to get parcels that were meant for the prisoners and I had some comrades there and I visited them in Fora and they said,"Well, now we really have the right kind of a camp leader. He has just been missing." They said that he beat a great deal and then he was always drunk.

Q You also recognized the accused Kilian. What can you tell the court about Kilian?

A Kilian—

DEFENSE COUNSEL: Will you please instruct the witness, if the court please, to face the court and speak louder. The German attorneys cannot hear him.

PRESIDENT: In answering questions the witness will face the court and speak loudly enough to be heard by both the court and the accused.

A Yes.

What can you tell the court about Kilian?

A When the camp eldest in Riedern was relieved, Kilian was the hangman.

Where was he the hangman?

A In Camp Fora.

Did you ever see any hangings at which Kilian was the hangman?

A No, it was only general knowledge in the camp and all the other

risoners were afraid of him because he was always spying.

Who was the hangman before Willian?

A Zweiner.

Q Did you ever see any hangings at which Zweiner participated?

A Yes.

Q About when was that. If you remember

A 1944, around March or April.

Q Who was hanged?

A Prisoners.

Q How many?

A I don't know.

Q Did you see these hangings?

A I saw hangings.

Q How many hangings did you see all together, personally?

A I watched three times.

Q All together, how many prisoners did you see hanged.

A The first time, one. Then four, and then two.

Q And was the hangman for all these seven prisoners who were hanged?

A Willian and the interpreter. Zweiner and the interpreter.

Q What part did Zweiner play in these hangings?

A He put the noose around the prisoners' necks and then he pulled the trap so that the button dropped out. Sprung the trap.

Q Now you have also identified Valenta. What can you tell the court about Valenta?

A Valenta was also feared in camp because he was always doing spying for the SS. But I don't know anything else.

Now you have also identified the accused Hickley. What can you tell the court about Hickley?

A Hickley was one of the biggest chiefs in the tunnel.

Q Do you know what his title was?

A He was a director.

Q Go ahead.

A When I was still an orderly in the orderly room I often brought the breakfast to 2nd Lt. Fitz.

Q Who was this Lt. Fitz?

A He was the executive officer of the Commander Foerstner.

Q Where was his place of duty?

A He was executive officer of the camp Commander and his office was situated in the tunnel. He always sat in the Commander's office.

Q Where was this office in the tunnel, do you remember?

A That was in Tunnel Zero.

Q All right, continue, please.

A And one could see that I was rather popular with 2nd Lt. Fitz. And later, when I was relieved from the detail Gruen and Hueffinger, and I went back to a camp detail, I often went back there with another detail to do clean-up work. That took about three weeks and the 2nd Lt. Fitz often gave me an order to take bottles which contained water--mineral water, that is--to Zero tunnel. He often sent me up to the orderly of Major Foerstner. This orderly was a Jehovah's witness.

Q Go ahead and tell what you know about Rickhey.

A And one time when I arrived there Rickhey arrived also and complained to 2nd Lt. Fitz about the prisoners.

Q Exactly what did he say, as nearly as you can remember?

A Riekhey was the chief of all the civilian workers and if a civilian foreman in any of the tunnels had something on his mind he had to go to Riekhey. It wasn't permitted for the civilian workers to go directly to Major Foerschner. They always had to go to the Director in Chief Riekhey and Kits told Riekhey/would have to make written reports if there were cases of sabotage or something else. If there were smaller infringements Kits would punish them himself.

Q Let us go back to the time when Riekhey made this report. I repeat my question. Just exactly what did you hear him say to Kits and what did you hear Kits say to Riekhey?

A Riekhey arrived and had some aluminum that had been worked over by one of the prisoners and had been made into rings. There were three or four. Riekhey said he had such difficulty in getting supplies and material and he said, "Here the prisoners are using this for other purposes" and he said that he requested a punishment of the prisoners for sabotage.

Q Who requested this punishment?

A Riekhey. Kits said to him if he requested the prisoners to be punished he would have to put that in writing and Riekhey said that he would do that and he would give it to Major Foerschner in writing. I also heard how capos said to me in the tunnels that Riekhey had reported them and that they had been taken to the Gestapo for interrogations.

Q Now this conversation that you just told the court about, were these rings mentioned in connection with the name of a person who had made these rings or who was suspected of having made these rings?

A No. He had written a number. He made a note of a number. It was a Russian.

Q Upon what was this number of this Russian written?

A On a piece of paper.

Q Did you see this piece of paper?

A Yes, he was holding it in his hand.

Q Who was holding it in his hand?

A Rickhey. He laid it down for Ritz and then when Ritz said he would have to put it in writing he took the paper away again.

Q Now how often did you see Rickhey in this office?

A Two or three times.

Q Can you remember the second time you saw him in Ritz' office?

A Yes, but--well I can remember, yes.

Q Can you remember what took place in Ritz' office the second time you saw Rickhey there?

A No, I do not know.

Q Can you remember anything about the third time you saw Rickhey in Ritz' office.

A Well I saw him more than three times. I saw him often. Every time I brought the bottles down there I saw him and I know that he took many reports to the Work Statistics and to the Work Committment that carried the signature of Rickhey.

Q Who took them?

A Well the prisoner who was in charge of all the prisoners in the tunnel. The Capo. He was in charge of assigning all the prisoners.

Q Now will you please tell the court again about these written reports which you said the capo took to the Labor Statistics Office?

A No, I didn't say that this capo took them to the work statistics. I was a very good friend of the capo who was in charge of the work committment in the tunnel and I was together with him often and I often saw that these reports had been delivered and then he said, "Rickhey, they were signed by Rickhey."

(Junk-direct)

Q Did you---

A ---and he said to me, "If he ever takes a good report about you you can come to the allows." I often had difficulties in the tunnel with the civilian employees.

Q What kind of trouble?

A When they came to us and complained about the prisoners so I said, "If you got as much to eat as the prisoners you wouldn't work either.", and if a civilian foreman came to me I said he had nothing to say here and I wouldn't let myself be influenced into cheating the prisoners.

Q Can you tell the court who used to bring those reports to the office where the cape was?

A No.

Q Do you know where those reports were sent after they were brought to the office where the cape was?

A Well smaller infringements were reported to the work commitment leader and the reports concerning sabotage were mostly sent to the Security Office to the Gestapo.

Q Can you tell the court the approximate time that you used to see Rickhey in the office of Kitz in the tunnels?

A It could have been around 10 o'clock in the morning.

Q What time of the year?

A The end of May '44.

Q How long a period of time did you see Rickhey come into Kitz' Office?

A I never stood in the office that long. He was mostly in the office when I arrived and he was still there when I left.

Q Can you give the court an estimate of how many times all together you saw Rickhey in Kitz' office?

A Eight or ten times.

Q Now at sometime in 1944 were you in charge of a company of some kind?

A Yes.

Q What kind of a company or group was that?

A In '44 I first had the detail Gruen and Quelfinger and then later on I had about a hundred men in the camp detail.

Q Where did you get the men from?

A From the main camp detail. That was a column of the camp detail.

Q What detail?

A We were building a football field up in the camp behind block two and we were often sent off to do clean up details in the tunnels and transportation work.

Q Now coming back to these visits that you saw Rickhey make to Ritz, can you remember any conversation between those two people in addition to the one about the rings?

A No.

Q Now, Herr Junk you were for a long time in the kitchen were you not?

A I never---

Q You distributed the food?

A Yes.

Q Will you tell the court the difference between the food which went to the SS and the food which went to the prisoners?

A When I was an orderly I always assisted the supply sergeant distribute the food and at that time I always got the same food as the SS and when the prisoners usually got stew with everything cooked together the SS got stewed potatoes and meat goulash an vegetables and many more portions.

Q Is there anything you can add Herr Junk about any of these people whom you have recognized among the prisoners?

A No.

PROSECUTOR: That, may it please the court, concludes the direct examination of the witness Junk. There isn't very much time to start the

cross examination. Before it begins I understand that the legal owners of this Book would like to have the Book back. When it was introduced in evidence the order of the court that it could be withdrawn at the end of the case upon the presentation of photographs of it. I have two photographs now and request permission to withdrawit at this time and substitute the photographs. The reason is that it is one of the things that visitors to the camp like to see or the guides like to show them.

Would the reporter please mark this photograph as Prosecutions Exhibit P-35.

(Thereupon the document referred to was marked as Prosecutions Exhibit P-35 for identification.)

PROSECUTION: The prosecution offers a photograph which has been marked Prosecutions Exhibit for identification only as Number P-35 which is a picture of the Book previously received in evidence and marked Prosecutions Exhibit P-30 and requests that this photograph be received into evidence and marked prosecutions Exhibit Number 35 and further requests that Prosecutions Exhibit P-30 be withdrawn at this time.

DEFENSE COUNSEL: We have no objection. We could use the photographs if we want to display them to the witnesses.

PRESIDENT: Prosecutions Exhibit P-35 will be admitted into evidence and permission is given to withdraw Prosecutions Exhibit P-30 which is the shipping book.

(Thereupon the documents heretofore marked as Prosecutions Exhibit P-35 for identification as received into evidence and marked Prosecutions Exhibit P-35, is attached hereto and made a part of the record.)

PRESIDENT: The court will recess until 9 o'clock tomorrow morning.

(Whereupon the court recessed at 1645 hours.)

Reporter

MILITARY GOVERNMENT COURT

VOLUME 15

CASE RECORD

Pages 1006 - 1078

CASE NO. 000-50-37

PROSECUTOR Lt. Col W. Berman

*~~SUMMARY~~
~~DISPENSIARY~~ MILITARY COURT
GENERAL

DEFENSE COUNSEL Maj. L. Teullada
Yolande Keller, Emily Powye
INTERPRETERS Cobb, George Converse

PLACE Camp Dachau, Germany

REPORTERS Eunice L. Hasdorff
Gloria L. Spears
Ethel D. Holt
Peter L. Murti

DATE 28 August 1947

WITNESSES

OSKAR JUH.

FAJDR ALISKI BARIN

ACCUSED ARTHUR RUNI Rasmus, et Al.

ADDRESS _____ SEX _____ AGE _____

FIRST CHARGE SECOND CHARGE

PLEAS

FINDINGS

PREVIOUS CONVICTIONS

SENTENCE

IMPRISONMENT (TERM _____
(BEGINNING _____ 194____

FINE AMOUNT _____
TO BE PAID BEFORE _____ 194____
FURTHER TERM OF _____ IMPRISONMENT

CHARGE SHEET AND RECORD OF EVIDENCE ARE ANNEXED HERETO.

_____
SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY _____

_____

_____
SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

RECORD OF TESTIMONY

in trial of

THE UNITED STATES vs ARTHUR KURT ANDRAE ET AL

by

GENERAL MILITARY COURT

tried at

DACHAU, GERMANY BEGINNING 7 AUGUST 1947

28 August 1947 Pages 1006 thru 1078

TESTIMONY

WITNESS:	Direct	Cross	Redirect	Recross	Court
OSKAR JUNK		1006	1040	1041	1042
FATHER ALBERT HIRIS	1043				

Camp Dachau, Germany

2 August 1947

MORNING SESSION

(Thereupon the court reconvened at 0900 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all members of the court are present, the prosecution and defense are represented by counsel, all of the accused are present, the reporter and interpreter are present.

At the end of the last session the witness Junk had completed his direct examination.

PRESIDENT: The witness is reminded he is still under oath.

OSKAR JUNK, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, continued to testify through an interpreter as follows:

DR. REXER: The defense, for the accused Walenta, Detmers, and Andrae.

CROSS EXAMINATION

QUESTIONS BY DR. REXER:

Q You said yesterday that you had been in Dora from the 15th of September 1943 until the 30th of July 1944, is that correct?

A Yes.

Q And at first you were in the detail Ammoniak?

A Yes.

Q During what time were you in the Ammoniak detail?

A About four weeks.

Q That would be about until the 15th of October 1943, is that right?

A Yes.

Q And following this you were a food carrier for the SS?

A Yes.

Q How long were you there?

A Until the middle of November.

Q And following this you came to the camp detail?

A I was already a member of the camp detail when I carried the food, I was part of the camp detail.

Q Where were you working from the middle of November on?

A In the camp detail.

Q How long were you working there?

A Until the beginning of January.

Q '44?

A Yes.

Q And where were you working after the camp detail?

A Then I became an orderly in the Staff Company in the orderly room.

Q And how long were you an orderly in the Staff Company?

A Until the beginning of February, when the acting First Sergeant of the Staff was relieved and the Staff Company as such was dissolved.

Q Who was the acting First Sergeant in the Staff Company?

A First Sergeant Eckhardt from Wiesbaden.

Q And who became acting First Sergeant then?

A One day Master Sergeant Koenig.

Q And who became acting First Sergeant after this one day?

A Nobody.

Q And that means that from then on the Headquarters Company had no acting First Sergeant.

A I don't know that. The leader of the Headquarters Company, Tech Sergeant Ritz, afterwards carried on the affairs with his secretary.

Q Who was the secretary of Ritz?

A That was a clerk from the tunnel.

Q How long were you orderly with Ritz?

A Afterwards I was orderly with Second Lieutenant Kroeger.

Q And how long were you with Kroeger

A Until the 23rd of February 1944.

Q And then what kind of work did you do?

(J'W-Cross)

A Then I went to the stone quarry at Betzkrater.

Q If I understood you correctly yesterday, you worked for about three weeks in the stone quarry, is that right?

A No.

Q How long did you work there?

A One day.

Q And then where did you go, when you left the stone quarry?

A The detail Gruen and Bilfinger.

Q And how long were you with Gruen and Bilfinger?

A About five weeks. It could have been six, too.

Q That would be about the middle of April 1944?

A That's just about it.

Q And then where did you work, after you left the firm Gruen and Bilfinger?

A I left this detail because of illness and went to the dispensary and after 10 days in the dispensary, when I came out I went to the camp detail.

Q That was about the first of May?

A Yes, just about.

Q And what kind of work did you do in the camp detail?

A I had no particular assigned work.

Q Well, what activities did you do there?

A Sometimes we hauled dirt.

Q And how long were you with the camp detail?

A Until the 30th of June.

Q And on the 30th of June you went to Wieda, is that right?

A Yes.

Q So I didn't understand you correctly when I understood the first time that you had been in camp until the 30th of July. You were there until the 30th of June?

A I am not quite sure any more whether it was the 30th of June or the 30th of July. At any rate, it was on the 30th of June or July when we went to Wieda.

Q 1944?

A Yes.

Did you come back from Wieda to the camp?

A I drove by car sometimes to Nora. Every week we drove to Nordhausen to get orders and at what time we would drive to camp to change clothes, to exchange clothes, and to pick up parcels which had arrived for the prisoners.

Q And is it right that you were in Wieda until about the 30th of September 1944?

A No.

Q How long were you there?

A I was there until the end.

Q Didn't you say yesterday that you had also been at Osterhagen?

A Well, that was an outcamp of Wieda.

Q About how far away is Osterhagen from Wieda?

A About 20 kilometers.

Q And didn't you have a special duty, a particular duty, in Osterhagen?

A Yes.

PROSECUTION: Just a minute. I don't see how any of this has got anything to do with the defense of Potters, Andrae, and Valenta. I pray the court's judgment. Even though it is cross examination, it seems to be needless, irrelevant, and immaterial cross examination.

DR. PETERS: May it please the court, because the dates are very particular concerning -- are very important concerning the accused Valenta and Andrae, that is the reason why I tried to establish exactly when this witness was in Nora and the outcamps. I am finished with this

(Jr'K-Cross)

line of questioning now.

PRESIDENT: Proceed.

Q Did you get back to the camp at Dora often from Osterhagen and from Wieda?

A About 10 or 15 times.

Q When did you see the accused Walenta for the first time in Camp Dora?

A I don't know.

Q Couldn't you just give an approximate date?

A No, I was too disinterested in Walenta.

Q Where did Walenta work in Dora?

A I don't know that either.

Q How often did you see Walenta in Dora?

A That is another thing I don't know. I only know that I did see him.

Q On what occasion did you see him?

A I don't know that either.

Q Did you see Walenta here in Dachau?

A Yes, up here.

Q Did you see a picture of Walenta here?

A Yes.

Q With whom did you speak about Walenta in Dora?

A I once spoke with a block eldest.

Q Who was that block eldest?

A His first name was Fritz and his camp name was Ahlbo, but what his actual last name was I don't know.

Q When did you speak to Fritz Ahlbo?

A I don't know.

Q Was that in 1943 or 1944?

A It could have been the end of '44 or the beginning of '45.

Q And on what occasion did you speak to Fritz Ahlbo?

A Ahibo told me, "That is the hangman."

Q Did Ahibo tell you anything else about Valenta?

A No.

Q Did you see Valenta after the evacuation?

A I wasn't evacuated from Dora.

Q How often did you see Valenta at Dora?

A I already said that I didn't know that.

Q Couldn't you just give an estimate?

A No.

Q You were in the outcamp of Ahlda from the 30th of June 1944. Did you have anything more to do with the post office in camp from there ---

PROSECUTION: May it please the court, I ask that the counsel be requested not to ask repetitious questions. He said he went to Dora to get packages, and they keep asking the same questions. I ask the court's judgment.

DR. REITER: I withdraw the question.

Q In what way did you have anything to do with the post office in Dora when you were already in an outcamp?

A I had nothing to do with the post office directly. I only went along on the ride and then we loaded packages at the post office.

Q Where did you load these packages?

A At the post office.

Q Can you show on this map here where that post office was?

A The post office was in this barracks (indicating), at the end of this barracks.

DR. REITER: May the record indicate that the witness is pointing to a spot on Exhibit T-22 which is marked here as "Mail Office."

Q You said yesterday that you often got cigarettes for First Lieutenant Eckhardt?

A Yes, I picked up parcels for Lieutenant Eckhardt. That was

wrapped in newspaper.

Q And that was the time when Eckhardt was acting First Sergeant?

A Yes.

wrapped in newspaper.

Q And that was the time when Ackerat was acting First Sergeant?

A Yes.

Q That was in the time before February 1944?

A Yes.

Q After February 1944 did you do something for Ekert at the post office?

A Ekert left.

Didn't Ekert come back to camp?

A Lieutenant Ekert was mixed up in a diamond deal from Oranienberg.

DR. RENNER: First Sergeant.

PRESIDENT: Do I understand that the translation should refer to First Sergeant Ekert instead of Lieutenant.

INTERPRETER: First Sergeant. The witness is very hard to understand. First Sergeant Ekert.

QUESTIONS BY DR. RENNER:

Q According to your opinion in February '44 you spoke to Andree in the post office?

A I think so.

Q Couldn't you be mistaken?

A At that time the post office wasn't there yet where I showed it.

Q Where was it at that time when you picked up these things for Ekert?

A In the camp.

Q Can you show this on that map?

A Yes. In this barracks (indicating).

DR. RENNER: The record may show that the witness is pointing to the first barrack on the right as one comes in on the camp road.

QUESTIONS BY DR. RENNER:

Q And when was the post office transferred from this barracks which you showed before?

A I don't know exactly.

Q Can you give an approximate time?

A No.

Q As to during the time that you were not in First Sergeant with Krueger?

PRESIDING JUDGE: I pray the court's judgment. He said twice that he didn't know and that he couldn't even guess.

PRESIDING JUDGE: The objection is sustained. The witness will not answer the question.

QUESTIONS BY DR. REES:

Q You said that from the contents of the parcels the bread was put into sacks and delivered to the details, is that right?

A Bread was put in sacks and was distributed to the details.

Q Do you know anything about the fact that the other things like canned goods were sent to the prisoners' kitchen?

A No.

Q How often did you take bottles from Second Lieutenant Krueger to Detmers?

A Two or three times.

Q During what time was that?

A February '44.

Q And where was Krueger's office at that time?

A In the barracks where the orderly room of the headquarters company was.

Q Can you show that on the map?

A Yes. It must be this barracks (indicating).

DR. REES: May the record show that the witness is pointing to a barracks that is marked as "Administration" on Exhibit 1-22.

QUESTIONS BY DR. [illegible]

Q And there was Detmers' office, that is, the room to which you took the bottles?

(Junk-Cross)

A In this barracks (indicating).

DR. [illegible]: May the record show that the witness is pointing to a barracks which is marked as "Protective Custody"?

QUESTIONED BY DR. [illegible]:

Q Was this room in which Hottes was living that the room an office or a living room?

A An office.

Q And according to your opinion next to this room was located the roll call leader's room?

A Yes.

Q Was the door open to this room when you arrived?

A I don't know.

Q You said yesterday that you had seen an instrument for beating, for instance, a bull whip, in the room next door, is that right?

A Yes.

Q Well, then the door must have been open, isn't that right?

A No, I only said that I know that there were instruments for beating in the room next door because I was there one time when somebody received a beating from the camp protection.

Q Did you see yourself how Detmers beat a prisoner?

A No.

Q So that each time you were standing in front of the door and only heard that?

A Yes.

Q And at what time is this supposed to have been?

A I don't understand the question.

Q At what time, I mean, what month is that supposed to have taken place?

A The middle of February.

(Junk-Gross)

Q I am getting back to and at once more. Are you sure that when you picked up the packages for Sokert that you got them from Andree?

A I believe, Yes.

You believe?

Yes.

I asked you whether you are certain.

A Well, the prisoner wasn't able to give out anything, then.

Q I don't think you understood my question correctly. I mean, are you quite sure that it was Andree who gave you those things?

(Whereupon Dr. Renner asked a further question in the German language.)

PROSECUTION: I pray the court's judgment on this hypothetical sort of question.

If this is before the court rules, I would like to hear the question translated.

INTERPRETER: And if a witness came and were to testify that Andree was not even in Nora—

PRESIDENT: The objection is sustained.

QUESTIONS BY DR. [illegible]:

Q Did you see Andree in February 1944 in the post office in Dora?

PROSECUTION: He said repeatedly that he got the packages from Andree at that time. I pray the court's judgment on repeated asking of the same question.

PRESIDENT: The objection is overruled. The witness will answer the question.

QUESTIONS BY DR. [illegible]:

Q Did you see Andree in February 1944 in the mail room?

A Andree was in Dora at that time.

Q And according to your opinion he was already in the mail room?

A Yes.

Q You said that the room where you brought the bottles from Krueger was a living room. Where did Petmers have his office at that time?

(Junk-Gross)

A I said it was an office.

Q From where did he, Dettmers, have his living room, living quarters?

A I don't know whether he slept in this room.

Q And what position did Kroeger hold in the camp at that time?

Kroeger was second lieutenant in the Waffen SS in front of Wolf Hitler.

Q And what kind of activity did he have in Orel?

A He was in charge of messing.

Q What did he have to do with messing?

A He had to take care of transporting all the food.

Q Didn't he have anything else to do?

A No. Later on he took a position in the tunnel but I don't know what that was.

Q You said yesterday that prisoners who were reported to Hitz were interrogated by the Gestapo, is that correct?

A I didn't say that.

Q By whom were these prisoners interrogated?

A By Dettmers.

Q So that the testimony you gave yesterday is wrong?

A I didn't say that Hitz reported prisoners to the Gestapo.

Q You didn't understand my question correctly. I asked you whether people who had been reported to Hitz were interrogated by the Gestapo?

A I don't know because Second Lieutenant Hitz had nothing to do with the prisoners; he could only pass these reports.

Q Did you hear the name Schoepenhauer in connection with the name Hitz at any time?

A No.

DR. [illegible]: No further questions.

DR. ARGINGER: Cross examination for the accused Sivon and Nicknoy.

QUESTIONS BY DR. [illegible]:

Q Mr. Junk, you stated as your profession, laborer?

A Yes.

(Junk-Cross)

Q Are you a miner?

A I worked for two and a half years in Klosterburg as a miner.

Q So that when you arrived in Dora you were an expert, is that right?

A Yes.

Q Who assigned you to this main detail?

A I was already sent as a miner from Braunschweig to Dora.

Q So is it correct that you had nothing to do with Kramm when you were assigned as a miner?

A When I was assigned as a miner, work commitment leader Simon wasn't in Dora yet.

Q When did he come to Dora?

A In September or the beginning of October.

Q Did you see him for the first time the end of September or the beginning of October?

A Yes.

Q Are you quite sure of this?

A Yes.

Q That was in 1944?

A Yes.

Q Did you hear anything about Second Lieutenant Hurtz in Dora?

A No.

Q Anything about a First Lieutenant Will?

A If I am not mistaken he was in the tunnel.

Q Didn't you hear that he was work commitment leader?

A No.

Q When did you receive the 25 for the first time in Dora?

A On the 23rd of February.

Q For what reason?

A I was relieved. I distributed food that had been left over to the prisoners.

(Junk-Cross)

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Q And who ordered this punishment for you?

A Teen Sergeant Sison.

Q How do you know that Teen Sergeant Sison ordered this punishment?

A Because he was present himself.

Q Do you want to say that he was present in person when you received the 25?

A Yes.

Q Didn't someone else give the order for these 25 before as a punishment for you?

A No.

Q Did your punishment take place on the same day that it was discovered that you had distributed food to the prisoners?

A Yes.

Q You said that you had to stand on a structure near the gate as a punishment, is that right?

A Yes.

Q When was that?

A On the 23rd.

Q So that was right that it was on the same day that you received the 25?

A Yes.

Q Isn't it right that this punishment, having to stand at the gate, was ordered for you by Captain Forster?

A No.

Q Didn't Captain Forster ever order you to be punished?

A No.

Q Do you know Captain Forster?

A Yes.

Q Weren't you ever punished for stealing from your comrades?

A No.

Q And when did you receive the second 25.

A Two days later.

Q That must have been on the 25th of February then.

A Yes, on the 26th.

And where was this punishment carried out?

A In the office of the work commitment leader.

Q Didn't you say yesterday that it took place in the office of the work statistics?

A That was the office of the labor commitment leader. The labor statistics was located inside of the camp.

Q And who gave you these 25 for the second time?

A A prisoner from the work statistics.

Q Wasn't it Capo Szymsak in the work statistics?

A No.

Q When were you born, Mr. Junk?

A On the 24th of February 1919.

Q And where?

A In Frankfurt.

Q Where were your parents living at that time?

A Duesselsheim.

Q And not in Frankfurt?

A No.

Q Didn't you say before while you were being examined by Dr. Kenner that you were already in the detail at Natzweiler on the 23rd of February '44?

A No.

Q Did you get there on the 24th?

A On the 24th.

Q You said on direct examination that you picked up bread in sacks with a receipt several times from Simon. When was this?

A That was in March.

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Q Was this bread assigned for your detail where you were working?

A Yes.

Q Is it right that this was distributed to details where they are doing hard labor?

A Yes.

Q And this bread also from mail that couldn't be delivered?

A No.

Q Where did it come from?

A Bread was removed from every parcel where there was more bread than two or three. It made no difference whether they could be delivered or not.

Q How do you know that?

A Because I received packages myself.

Q Were there any loaves of bread in those packages?

A There were two loaves and one was half cut off.

Q And because that happened to you once, you concluded that bread was removed from all the packages?

A Well, once I was at the post office and there wasn't enough bread so they were controlling the packages, so I saw myself how they removed loaves of bread from the packages and later on they gave it to me. At other times when they had sacks of bread already on hand, they were standing near the room of the roll call leader.

Q Is it right that you said that the detail Auschwitz where you worked at first was working in Tunnel 28?

A Yes.

Q While you were carrying that, did you have anything to do with the tunnel?

A Yes.

Q And while you were with the same detail until the beginning of '44 did you have something to do with the tunnel, too?

A Yes.

Q And at later times did you go to the tunnel again?

A Yes.

Q What directors in the tunnel did you know by name?

A I only knew Sawatzki.

Q Didn't you know any department chiefs?

A I knew two engineers there who were known by name.

Q Who was also Deputy Director Sawatzki?

I knew several by sight.

Q Did you ever hear anything about Director Kettler?

A I don't know that name.

Q Do you remember a director who had scars in his face--duelling scars?

A I would have to see him personally.

Q You said on direct examination that Second Lieutenant Fitz had an office in Zero tunnel, is that right?

A Yes.

Q Please show us this tunnel on map, F-21A.

A This is where the tunnel must have been (indicating). The heating system was in the first tunnel and the offices were in the other.

DR. ADLER: Let the record show that the witness pointed to the second diagonal tunnel running between tunnels "A" and "B" from the north.

Q And about where was tunnel 25?

A Seventeen was here where it went out (indicating). It must have been here.

DR. ALBRECHT: Let the record show that the witness pointed to a spot among the cross tunnels between the tunnels "A" and "B" which is in the middle--approximately in the middle.

Q And when was that when you often went to the office of Second Lieutenant Fitz in the Zero tunnel?

A I went into Lieutenant Fitz' office in February often and later on again in May.

(Juncross)

Q And between February and May?

A I was in the detail Crimea and Russlangore.

Was that in the beginning or end of May, or did that take place during the entire month of May?

That is, I was there from the middle to the end of May.

Q And was Second Lieutenant Ritz in that office every time when you went there?

A Well, I only went there when he was there.

Q What did you do there?

A I brought mineral water to the office tunnel.

Q When did you see the accused Rickney for the first time?

A Well, around May when I went to Ritz. I didn't see him in February.

Q How did you know that it was the accused Rickney?

A Because I recognized him.

Q Where did you find out for the first time that the man you saw there was the director, Rickney?

A I thought that right away because he was always in the office of the major.

Q Was that a different office from Ritz'?

A Those offices were together.

Q Did you have the impression that he had his office there constantly?

A I don't know. Those offices were connected.

Q How often did you see Rickney there?

A Several times.

Q Two or three or four times?

A Four or five times.

Q And did you have occasion to overhear or to listen to conversations?

A At that time I paid no attention to any conversations. I only saw to it that I got out soon again.

Q Didn't you ever hear what Rickney said to Ritz or what Ritz said to Rickney?

A Yes.

Q And do you remember about that?

It was the occasion where they came to take me to the prison where Hickey was to be a prisoner as I was, only I was a little later because the bottle which I was supposed to give Hermansen to the correctly, and I had to go back there first.

Q And was not that the time and--

A As far as I know a question.

Q How did you find out that it was a question?

A Because he had written down the number and he said it was a question.

Q Do you remember roughly what the number was?

A No.

Q Did you see Hickey after May 1st or not?

A I don't know.

PRESIDENT: The court will recess for 20 minutes.

(Thereupon the court recessed at 1700 hours.)

* * *

(Junker-Rose)

(The court reconvened at 1020 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all members of the court are present, all of the accused are present, prosecution and defense are represented by counsel, the reporter and the interpreter are present. At the end of the last session the witness Junk was under cross examination.

PRESIDENT: The witness is reminded that he is still under oath.

OSKAR JUNK, called as a witness by the prosecution, having been previously sworn, resumed the stand and testified further through an interpreter as follows:

CROSS EXAMINATION (continued)

QUESTIONS BY DR. RIESNER

Q Herr Junk, is it right that when you said you saw the accused Riekhey four or five times, that that was always in Ritz' office?

A I also saw him in the tunnel some times.

Q During what time?

A When I was working there.

Q Was that when you were working on the Ammoniak detail?

A No.

Q When was it?

A In May.

Q So you only saw him in May in the tunnel?

A Yes.

Q And when you saw him in an office that was always the office of Ritz, is that right?

A I was never in any other offices.

Q And the office of Ritz was also the office of Foerschner, or was Foerschner's office next to it?

A I don't know.

Q And you do not know where the man whom you recognized as Riekhey had his office?

A No.

Q During the conversation about a cap badge, what did Hickhey say concerning this prisoner who made the rings?

A He said that they were very short of supplies and that the prisoners were using these supplies for other purposes, and he requested that Fitz put in a report.

Q Why did he request Fitz to make this report?

A I don't know. Fitz explained to him that he would have to put this in writing.

Q Wasn't Foerschner Fitz' superior?

A Yes.

Q And wasn't Foerschner at that time manager of the Mittel Werke?

A Foerschner was in the tunnel, but what rank he had or what duties he had I don't know.

Q You spoke about a capo who had the work allocation tunnel in charge?

A He didn't wear a capo insignia.

Q Didn't you say yesterday that there was a capo who had the work allocation under him?

A He was generally known as a prisoner in charge of work allocation, it was his duty to exchange prisoners within the detail Sawitski.

Q What was this man's name?

A I don't know.

And where did he have his office?

A Where it was called 25, 26, or 27.

Q And what did he tell you, this prisoner from the work allocation tunnel?

A I should be careful, if I ever was reported by the director it might cost me my neck.

Q Did he give the name of this director?

No. I knew the name already.

Weren't there several directors?

A Yes.

What was the occasion of this man't telling you that?

A I was ordered from the camp detail to do clean-up work, in the tunnel, with about a hundred men and I always assigned several prisoners to various supply points to sort out material and several times the civilian foremen from the work shops and supply points came to me and complained that the prisoners were not there and said that I should go look for them, and if I heard that one of the civilian foremen had beat a prisoner then I would go up to him and say that he had no business beating the prisoner. The prisoner was none of his business. And then I explained it to the foreman that only a capo or a prisoner or an SS man could beat a prisoner, but not a civilian. And then these foremen said that if I didn't keep better track of my company they would report me.

And did you tell this to the prisoner who was in the work allocation tunnels?

A Yes.

What else did he tell you about the director?

A I didn't speak to him any other time about the director.

Did he say anything about reports that had come from the director?

A Yes.

What did he say?

A That he had received reports and that he had written reports, and that he had turned in reports on small infringements, like not working or sleeping on the job, to him and that reports of a more serious nature, like sabotage, were sent to the work production or to the security.

So I understand you correctly, that these reports went through the hands of this prisoner in the work allocation office?

(Junk - cross)

A Yes. And small infringements were punished there, too.

Q And who had signed these reports?

A I saw reports that were signed by Rickhey.

Q You, yourself?

A Yes.

Q Where was that?

A In the tunnel in the prisoner allocation.

Q And what was contained in these reports?

A I mostly didn't read these reports.

Q If you say that you saw Rickhey's signature it is improbable that you didn't read the report itself?

A Well, I don't remember that exactly any more. I only know that small infringements, for instance if a prisoner had gone to sleep in a corner, were reported there and then the prisoner had to report down to the work allocation and they were then given five or ten.

Q Do you mean to say that the director of a factory like this would take it upon himself to make a report personally about a prisoner that was not working?

A Well, I already explained that the civilian foremen were not in position to do anything concerning a prisoner; they all had to go through the director.

Q What kind of heading was on these reports?

A They were mostly written on paper.

Q Well, how was the heading, as the person who sent them?

A Nothing; that was just plain white paper, a piece of stationery or something.

Q Were they written by hand or were they typed?

A Some were written by hand and some were typed.

Q And is it right that you saw handwritten reports which had Rickhey's signature?

A Yes.

Q And is it right that you also saw typewritten reports with the signature of Rickhey?

A Yes.

Q And how many such reports did you see?

A There were several, I don't know exactly how many there were.

Q How did it happen that these reports came into your hands?

A I already explained that I was friends with the foreman who allocated the prisoners.

Q And you often sat in this office and looked through the reports; is that right?

A I often went to this office; yes.

Q And then you left your work detail alone; is that right?

A My detail was always divided up between other details and I always went from one to the other. I was a prisoner, like all the rest, and I had no interest at all in the work.

Q And everything that we have been talking about now happened in May 1944; is that right?

A Yes.

Q What kind of a triangle did you wear?

A A red one.

Q With the point up or down?

A With the point down.

Q What did a red triangle with the point down signify?

A A red triangle with the point downwards was a political prisoner, and a red triangle with the point going upwards was a prisoner of war. An army prisoner.

Q When did you first go into a concentration camp?

A In 1939.

Q For what reason?

A Treasonable utterances in a defense plant.

(Junk - cross)

Q Were you convicted before?

A I was not convicted.

QUESTIONS BY DEFENSE COUNSEL

Q Herr Junk, you were employed as a food carrier; is that right?

A Yes.

Q And in that capacity you had occasion to examine the food which was eaten by the prisoners as well as by the SS; is that correct?

A Yes.

Q Was the food that was eaten by the SS and which you carried, prepared in the same kitchen as the food which the prisoners ate?

A Yes, it was cooked in the same kitchen all right, but there was a special cook who cooked it.

Q Did the SS and the prisoners get the same bread?

A Not always.

Q On what occasions did they not get the same bread?

A Well, mostly the SS received a different kind of bread. The bread that the SS received was square and the bread that we got was oval, but it some times happened that if there was any bread left over from the SS, that was distributed into the prisoners' kitchen. It some time happened that the mice had started eating the bread and this bread was then distributed to the prisoners too.

Q Isn't it a fact that the bread eaten by the SS and by the prisoners was cooked in the same bakery?

A I don't know that.

Q What was the difference between the food which was given to the SS and which was given to the prisoners?

A Well, naturally, the food that the SS received was much better then the food that the prisoners received.

Q In what did the difference consist?

A Well, the SS received their vegetables and their potatoes and

their meat separately and they got more and bigger portions, and the prisoners received it all cooked together.

Q By that you mean that the vegetables and potatoes and meat that the prisoners got were all put into one dish; is that it? Into one pot?

A Yes, we mostly got stew.

Q And that stew would contain meat and vegetables and potatoes, is that right?

A There was always very little meat.

Q There was some meat, is that right?

A Mostly there wasn't any.

Q Now how about the bread? How much bread did the prisoners get?

A One loaf of bread for three men.

Q And approximately can you estimate in grams or pounds how much that was?

A That was one pound loaf.

Q Now when you saw the packages that were being rifled, as you said, or stolen, or broken open, in the post office and from which the bread was taken and distributed in detail, how do you know to whom those packages were addressed?

A Well, nothing was taken out of the packages for the SS.

Q No, I think you misunderstood my question. I will have to go back a little ways. You testified on one occasion or several occasions you came into the post office and you saw bread being taken out of packages?

A Yes.

Q Now did you examine the packages from which those things were being taken?

A I?

Q Yes.

A No.

Q Then you do not know to whom those packages were addressed, do you?

(Junk - Gross)

A Those were packages for the prisoners.

Q How do you know that?

A Well, because the old packages--well, because these packages arrived by truck and those were meant for the prisoners.

Q Did you examine the packages to see to whom, by name, they were addressed?

A Well, I only saw while they were examining the packages at the post office and they had several places which were reserved for the different packages and when they were finished with one package I saw how it was put to Block 18 or Block 25, depending on where the prisoner lived.

Q How do you know that those packages were not addressed to prisoners who had either been transferred away or died?

A I didn't understand the question.

Q How do you know, since you did not look or examine the packages from which this material was taken, that those particular packages belonged or were addressed to prisoners who had died and to whom they could not be delivered any more?

A Well, the post office wouldn't know that either, because they were taken to the block where the prisoners used to be and then they were brought back again.

Q How do you know that those packages had not been taken to the block and had been brought back?

A Because they were lying on a pile where all the packages were that had just arrived.

Q How do you know they had just arrived?

A Because I sometimes was myself out when the cars arrived and the packages were unloaded.

Q Did you see the packages being unloaded on this occasion when you were there and you saw these things being taken out of these packages?

A I saw that at a different time.

PRESIDENT: Let me interrupt just a minute. The witness will face the court, look at the court, when he is answering a question.

A Yes.

Q You say you saw that at a different time; is that right?

A Yes.

Q As a matter of fact, you don't know, do you, whether those packages that were being opened were undeliverable packages?

A These packages were deliverable. All packages that arrived in camp were searched.

Q Well, isn't it a fact that all packages were searched for censorship purposes?

A They were searched for their contents and tin cans that had been left in the packages some times were stove in with an instrument.

Q At the time which you have testified in regard to Braun and Koenig and when you stated that barracks were being built and Braun and Koenig beat prisoners because they were not working fast enough--do you recall that testimony?

A Yes.

Q Isn't it a fact that at that particular time a great effort was being made to build barracks so that the prisoners who were sleeping in the tunnels could be brought out and sleep outside?

A That is right. The transport of barracks in the upper camp was speeded up so that it went faster. I also explained it before, that no camp was built as fast as Camp Dora.

Q And isn't it a fact that these beatings which Braun and Koenig made on the prisoners was in order to make them work faster to get these barracks built so that they could come out of the tunnels and sleep outside?

A I don't think that they did it for that reason.

Q Now Herr Junk, isn't it a fact that you worked in a detail with

Braury when he was working at an airfield at Nordhausen, a so-called bomb detail?

A Yes.

Q And isn't it a fact th t prisoners volunteered for this detail?

A Yes.

And isn't it a fact th t the prisoners on this detail were given additional food in a noon meal and extra cigarettes by Braury?

A We didn't get anything at all from T/Sgt. Braury. But we did receive a noon day meal from the commander of the airfield, and from the work commitment leader when we went out to work we got a package of tobacco.

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Q And do you know who made a request for you to get this additional food? Was it not your detail leader?

A No.

Q You volunteered for this detail did you not?

A Yes.

Q Now can you explain to the court why, if Braunn was such a terrible beater as you say, he was, that people ran away from him when he came near you, would you volunteer for a detail which he was commanding?

A When this detail was being set up a radio message was circulated in camp saying that 20 prisoners, only German Nationals, were being wanted for a special detail and when the prisoners appeared 10 were picked out, 12 that is, and at first we didn't know what kind of detail this was.

Q Now you saw some hangings didn't you, in which Zwiener was the hangman?

A Yes.

Q And you also testified that a man by the name of Ahibe told you that Walenta was a hangman, is that right?

A Yes.

Q Did you ever see any hangings performed by Walenta?

A No.

Q Did you ever hear of any hangings performed by Walenta?

A I couldn't mention anyone who was hanged by Walenta.

Q That was not my question. My question was, "Did you ever hear that Walenta ever hanged anybody"?

A Yes, they said that was the hangman.

Q That was the general understanding in the camp, is that right?

A Yes.

(Junk-cross)

Q Everybody knew that he was a hangman?

A Well those who were interested, they knew it.

Q Everybody knew he was a spy for the Gestapo didn't they?

A Yes.

Q How these hangings that you saw Zwiener perform--who was present?

A Camp Commander Koerschner. Then there was a civilian present from Nordhausen with his car and then two or three more went up there, but I didn't know them and I didn't look very close to see who they were. Those were block leaders, but I can't remember anymore who they were.

Q You stated that the interpreter would also perform this hanging. What did you mean by that?

A Well Zwiener and this interpreter were always together when there was a hanging to be performed. The message would be announced on the radio saying that Zwiener and the number were to report to the roll call leader then we would know that somebody was going to be hung. And the camp police cleared the camp street and the delinquents were brought in the bunker and taken to the woodyard.

Q What was this interpreter's name, do you recall?

A No, I only know that it was a German major.

Q Did you see any doctors present at these hangings?

A No, I can't remember.

Q Did you see what the interpreter would do at these hangings? Would he put the noose around the victims neck?

A If I am not mistaken he read the sentence in the prisoners language, the prisoner who was tobe hung. Zwiener and this interpreter were always together but what they spoke together we couldn't tell because we were too far away. And Zwiener and this interpreter had one room together where they slept alone.

Q Do you recall whether this interpreter's name was Doehring?

(Junk-cross)

A Yes, Buehring.

Q And he was the German major you just mentioned, is that it?

A Yes.

Q You testified that you worked on the detail which was building a football field. What was the football field used for?

A Behind barracks number two a football square was made and the prisoners played football there. Whether it was completely finished or whether it was later on used for something else, I don't know because I wasn't there anymore. From the cage in the kitchen I also received two or three kettles of food extra for the people who were building this football square so that they would speed up, but these were mainly the ones who were playing football. The others weren't interested.

Q Do you know on whose order or on whose request this football field was constructed?

A No.

Q Isn't it a fact or did you ever hear in the camp that the accused Moeser gave the orders to build this field?

A No, I don't know that.

Q Now you testified that you recognized Buehring as having been one of the detail leaders from the tunnel. Do you recall that?

A Yes.

Q What detail did he command?

A He had different details.

Q Name one or more of them? As many as you remember, please?

A Well in fact things weren't the way they were in other camps. Each detail had its own detail leader but in fact Master Sergeant Hansohelmann or Sergeant Mueller or anybody would walk around and just look at the various details.

Q Do you recall anyone detail of which Buehring was the detail leader? (Junk-cross)

A Well I already explained that that wasn't the case in Dora that a sergeant or a staff sergeant should have only one detail and if they were on duty in the tunnels they controlled all the details.

Q Was Buehring a staff sergeant?

A Well I don't know what rank he had anymore.

Q When he was working as a detail leader or in what ever capacity he was working in the tunnel, approximately what date was that?

A I can't remember anymore.

Q Well what were you doing at that time?

A Well I was working in the tunnel and in the camp detail and I always went to the tunnel.

Q When was the last time you saw him in the tunnel?

A I don't know anymore.

Q Do you remember the year?

A Well it could have been '44.

Q Do you remember whether it was winter of '44 or summer of '44?

A Well in winter of '44 I wasn't in Dora anymore.

Q Was it then in the summer or the spring?

A Well I already left in the early summer so it must have been in the spring.

Q Now in what tunnel was it that you saw Buehring as a detail leader or what tunnels?

A I don't know. In the whole tunnel.

Q Was it in Tunnel A or Tunnel B or one of the cross tunnels?

A I think it was in Tunnel A and in the Cross tunnels.

Q Now you are quite sure and certain in your own mind that you saw Buehring working in the tunnels, is that right?

A Yes.

(Junk-cross)

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its form and its content.

THE MARSHAL: The objection is overruled.

Will the reporter please read the last question?

(Thereupon the question was read.)

Q You are quite sure and certain that you saw Andrae in the Post Office in February of 194 , is that right?

A Yes, I think so.

And you are also sure that you saw Bickhoy in Ritz' office in May of 1944, is that right?

A Yes.

Q Now, isn't it a fact that Andrae didn't get to Lora until May of 1944 so you could not possibly have seen him in February?

MR. SCHILF: I think, may it please the court, that that question is akin to the question, "If a witness came in and said ---- is this what you would say?" I object to the question.

DEFENSE COUNSEL: If it please the court I am asking if he knows if it is a fact that he could he have seen Andrae in February--if it is a fact that he came in May. I am asking if he knows of the fact that he came in May.

MR. SCHILF: I pray the court's judgement to the question as to its form and its content.

THE MARSHAL: The objection is overruled.

Will the reporter please read the last question?

(Thereupon the reporter did as requested.)

THE WITNESS: Well I don't know at all when Andrae arrived.

CROSS EXAMINATION BY DEFENSE COUNSEL:

Q Isn't it a fact that Ritz no longer had his office in the tunnels in May of 1944 so you could not possibly have seen Bickhoy there?

A Ritz had his office there.

Q In May of 1944?

A Yes.

Q Isn't it a fact that Mohring was working for Sander in the bunker (Junk-orders)

and you could not possibly have seen him in the tunnels?

A When?

Q At the time you said you saw him?

A '44?

Q Isn't it a fact that you were courtmartialed in the Wehrmacht?

PROSECUTION: I pray---

A I? No.

DEFENSE COUNSEL: No further questions.

REDIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION:

Q Do you know or did you hear what happened to this Major Boehring, this interpreter who was always with Zwiener?

A Yes.

Q What happened to him?

A Zwiener together with various block eldests and block leaders and capos were dismissed from the Post Office for theft and they were sent to a punishment detail and were transferred to Kilrich or some other camp and on the way there the transport they beat up this interpreter so badly that when they arrived at the next command or camp the commander of the camp there refused to take him in and then they came back and came to block two in Dora an the camp interpreter went to the dispensary right away and he died there. I saw the corpse myself. It was terribly beaten up. Zwiener said that he had told on him, that he had told on them.

Q What do you mean that he had told on him?

A Because they were relieved from there Zwiener evidently assumed that the interpreter had reported the fact that they had stolen from the packages, to the camp commander and they both did when they got back to block two. "Well we gave it to him all right. He is going to go by the board." I saw the corpse in the crematory later.

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CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q What was your father's full name please?

A Johann Junk.

Q Your mother's maiden name please?

A Louise Thome.

Q Do you recall what their address was in February of 1913 when you were born?

PROSECUTION: I would like to ask the defense through the court what the purpose of all this investigation and questioning is. If it is for the purpose of impeachment, inquiries as to date and place of his birth are surely a far fetched way to do it.

DEFENSE COUNSEL: May he proceed with the question?

PRESIDENT: The defense may question the witness as to his birthplace and parents if he sees fit to do so.

A They were living in Russelsheim and I was born in the hospital in Frankfurt in the clinic in the obstetrics clinic. The name of the hospital was Deutsch Ordensgut.

Q Do you know the address, the street adres of your parents and their residence in Russelsheim or whatever it is?

A Doctor Ludwigcpelstrasse. I don't know the number anymore.

DEFENSE COUNSEL: No further questions.

DOCTOR ZWIENER: One more question on behalf ofthe accused Andrae.

QUESTIONS BY DOCTOR ZWIENER:

Q Do you know during what period of time the accused Zwiener was in charge of the Post office?

A I don't even know at all whether Zwiener ever was in charge of the Post Office.

Q Didn't you just say that Zwiener as being in charge of the Post Office pilfered packages?

A No.

Q When did this take place when Zwiener allegedly was supposed to have

stolen from the packages?

A These packages were stolen and pilfered by the capo in the mail room and at that time Zwiener was camp eldest.

PRESIDENT: No further questions.

DEFENSE COUNSEL: No further questions.

PROSECUTION: Any questions by the court?

EXAMINATION BY THE COURT

QUESTIONS BY MEMBERS OF THE COURT:

Q How many beatings did you received personally that you consider Simon responsible for?

A Two.

Q And as an expert miner you were sent by Simon to the quarry and then later to another detail not connected at all with the tunnel, is that correct?

A All the stone quarry had nothing to do with the tunnel.

Q Did it have anything to do with mining?

A Yes. I was assigned there as a miner. We were supposed to drill a new tunnel.

PRESIDENT: No further questions by the court. The witness may be excused.

PROSECUTION: Sir, May I raise the question now? A lot of these witnesses have been held here at Dachau for an extremely long period of time. They are an expense to the government and getting in their own way. Now I would like this witness to be permanently excused and I am going to ask that every witness hereafter, subject of course to the right of the defense to recall them if they desire---

DEFENSE COUNSEL: The defense has no objection to this witness being permanently excused, but would like to have the court reserve its judgement

until each witness testifies.

PRESIDENT: The witness Junk, now before the court, may be permanently excused. The question of permanently excusing a witness will be settled each time as each witness completes his testimony.

MR. MILLS: The prosecution calls as its next witness Father Albert Sirin.

FATHER ALBERT SIRIN, called as a witness by the prosecution, being first duly sworn, took the stand and testified through a French and German interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY MR. PROSECUTION:

Q Will you state your full name please?

A Albert Sirin.

Q Where do you live?

A Epernay, France.

Q How old are you?

A 41 years old.

Q What work do you do?

A Professor.

Q At what institution?

A Brotherhood of the Christian School.

Q What subjects do you teach?

A General teaching.

Q Were you ever in a concentration camp?

A Yes. Buchenwald, Dora and then at the end in Belsen.

Q What religious order do you belong to?

A As I said, Brotherhood of the Christian Schools.

Q When did you come to Dora?

A 1. March, 1944.

Q What was your first assignment upon your arrival in Dora?

A First I worked for a few days in the tunnel. Then in the work detail of Gross Werther. Then from the end of May until the fourth of

November, the date of my arrest, I worked at the Labor Statistics office.

Q Was this detail with Gross Yerther in the tunnel?

A No, it was at a distance of 17 kilometers from there. An electrical central power station was built there.

Q What did you say happened in November, '44?

A I was arrested by the Gestapo and confined in the bunker for five months.

Q Upon what day were you arrested?

A In the night of 4th of November, 1944.

Q What day were you released from the bunker?

A On the 4th of April, 1945.

Q During the course of the time you were a prisoner in Dora you got to know some of the SS people and other personnel there did you not?

A Yes.

Q Will you look around the courtroom please and see if there are present here any of those people you got to know in Dora? If you wish you may stand up and approach the dock.

A I can recognize them. I see from here.

Q Will you name to the court those whom you recognized here as having seen before in Dora -- one at a time, please?

(Whereupon the witness approached the prisoners' dock.)

Q Will you please approach nearer to him and point out the man as you recognize him. Point directly at the man, one at a time, please.

A Killian. (Indicating.)

PROSECUTION: Let the record indicate the witness has identified the accused Killian wearing placard number 10.

A Jacobi. (Indicating.)

PROSECUTION: Let the record indicate the witness has identified the accused Jacobi wearing placard Number 9.

A Simon. (Indicating.) Labor allocation leader -- or, labor service leader.

PROSECUTION: Let the record indicate that the witness has identified the accused Simon wearing placard Number 10.

A (Indicating.) I know this man but I can't remember his name.

Q What job did he have?

A If I am not mistaken he is Andrae from the post office.

PROSECUTION: Let the record indicate that the witness has identified the accused Andrae wearing Placard number 1.

A If I am not mistaken, that is Brauny. (Indicating.)

PROSECUTION: Let the record indicate that the witness has identified the accused Brauny wearing placard Number 2.

Q Next, please.

A (Indicating.) He was working in the tunnel of Dora. I don't remember his name exactly. It begins with an "E," I think.

Q What was his job?

A He was working in the tunnel. He was maybe a very important man. I don't remember, but I used to get notes signed by his name in the labor statistic.

PRESIDENT: Did not the witness use the term "grand directeur"?

INTERPRETER WOLF: Yes, he did. "Important director."

Q What is the proper translation of "grand directeur"?

PRESIDENT: The big director -- important.

We will come back to him -- we will come back to this particular accused later. Anybody else you know?

A I forgot. For a moment I forgot that he was one of the most dreaded in the bunker of Dora. (Indicating.) Hans Buehring.

PROSECUTION: That's good enough. Let the record indicate that the witness identified the accused Buehring wearing placard Number 4.

A I know him only under the name "Willi." (Indicating.) He was camp leader for the internees of Camp Dora when I was there. I think I remember now. His name must be Wiener.

PROSECUTION: Let the record indicate the witness has identified the accused Wiener wearing placard Number 10.

A Valenta, of the bunker. (Indicating.)

PROSECUTION: Let the record indicate the witness has identified the accused Valenta wearing placard Number 10.

A Brinkmann, roll call leader. (Indicating.)

PROSECUTION: Let the record indicate the witness has identified the accused Brinkmann wearing placard Number 3.

A (Indicating.) I saw him in the bunker of Dora but only in the company of Borders.

Q Which one are you talking about now?

A (Indicating.) He just came for short visits -- the young one there.

Q Anyone else

A I know most of the faces but I've got nothing to say about them.

Q Well, point to them, one at a time, please, and then I will ask you some questions. Whom else do you recognize, even though you don't know

(SIRIN-Direct

his name?

A (Indicating.) Sometimes I saw him help hold roll call.

Q Whom else?

A Just a moment, I will give you the name. I think it is the camp leader, camp commander, Oeser.

PROSECUTION: Let the record indicate the witness has identified the accused Oeser wearing placard number 13.

A (Indicating.) I saw them but I couldn't tell you anything.

Q Do you know what jobs they had?

A I could tell you, for instance, that they used to hold roll call sometimes, usually with a stick, but I've got nothing else to say. Not only sometimes, but daily.

Q Will you please take your seat now. Unless you can ---

A There is a man there I would like to remember. He reminds me of something, but I don't know what.

Q Where is he sitting?

A (Indicating.)

PROSECUTION: Let the record indicate he is pointing to a man now sitting on the right of Oeser.

(Whereupon the witness resumed his place on the witness stand.)

Q What can you tell the court about Kilian?

A Kilian was hangman of his own free will at Camp Dora. I want to mention to the court that I am not going to mention the suffering which I personally endured, because I forgive them for that, but if I am here it is because of the thousands of comrades who died from tortures and from beating there.

Q Well, tell the court what you know about Kilian.

A I saw him personally with my own eyes kill people with a stool and hang them.

Q Will you please describe one such incident to the court?

A At the hanging which occurred on Easter 1944 -- some people were hanged by Willi on this day, but one of them was not completely dead and Kilian killed him with a stool.

Q How did he do that?

A I also saw him in the bunker kill people with a rubber club and especially when they were being interrogated during the night by Sanders.

Q Please, let's go back to the hangings for a little while longer. How many people did you personally see Wiener hang?

PROSECUTION: I am sorry. I am getting --- My mistake. We are talking about Kilian. I am sorry.

A I think approximately, more than, around 250.

Q Did you say that you believe you personally saw Kilian hang around 250 people?

A Yes.

Q How many of them did you see him beat with this stool that you are talking about?

A At the time of the hanging, you mean?

Q Yes, we are talking now only about hangings.

A With a stool I saw him kill once. But I often saw him kick in the stomach or on the head people which did not seem absolutely dead.

Q Will you describe just how these hangings took place? Just briefly.

A A certain number were taken away from the cells -- sometimes more than other times. The SS were waiting in the hall, within their hand a stick with two wires attached to this stick. The language was kind of rough, and they made the people open their mouths -- "Schnauze auf" -- and a piece of wood was stuck in their mouth in a very firm way and wire bound behind the neck so they couldn't move their tongue. Kilian was preparing the gallows. That was his job. He was -- he went on the bench, he passed them the noose around the neck of those unfortunate people. To

be more precise, there were five, by fives usually -- five at a time. By a kick Kilian would upset the bench and, of course, the people were hanged. The five -- the series of the first five were past, so the next five were coming. I just have to add one more important fact. The car used to take the bodies away, and after that Kilian and Sanders, with some other SS, used to come and drink lots of liquor and smoke big cigars and make music.

PROSECUTION: May I suggest a recess at this time.

PRESIDENT: The court will recess until 1330.

(Whereupon the court recessed at 1155 hours.)

described how the prisoners to be hung had this piece of wood in their mouth. Will you please take up your description from that point on?

A I described the whole hanging.

Q Who were present at these hangings in addition to Kitlen?

A Usually the SS were present, but for big hangings in the bunker sometimes they ordered all block elderts and the capos to be present, too. They didn't participate in the hanging, but they had to surround the prisoners and be present at the hanging.

MR. [illegible]: May it please the Court, I would like to take exception to the translation. The witness also said he was on the roll call square.

THE WITNESS: Well, it was on the roll call square but very often hangings took place in the bunker where they had a gallows. And prisoners were also shot in the yard of the bunker.

AFTERNOON SESSION

(Thereupon the court reconvened at 1551 hours.)

PRESIDENT: The court will come to order.

PROSECUTOR: Let the record show that all the members of the court are present; all of the accused are present; the prosecution and the defense are properly seated; the reporter and interpreter are present. At the end of the last session, the witness, Father Irwin, was under direct examination.

PRESIDENT: The witness is reminded he is still under oath.

PATRICK ALBERT IRWIN, called as a witness by the prosecution, resumed the witness stand, and being reminded that he was still under oath, testified further through an interpreter as follows:

DIRECT EXAMINATION

QUESTION: BY PROSECUTION:

Q At the end of the last session we were describing to the court one of those meetings at which Hillen participated, and you had at that time

Q Give the names of some of the SS who were present at the hangings that you saw at the hangings and the shootings.

A Labor Service Leader Simon, Buehring, Roll Call Leader Prinkmann.

Q Anyone else?

A My poor head forgets some of them. Occasionally those ones, sometimes those ones.

Q What efforts were made to determine whether or not the prisoners died as a result of the springing of the trap?

A I don't understand the question.

Q Did the prisoners all of them die--I will withdraw that.

A Do you want to know how they determined how the people were dead?

Q Exactly.

A The first hangings the prisoners had not their hands bound together, and you could see some of those unfortunate people trying to grab the rope above their head with their hands. And if my memory is true, and I cannot be always so sure of my memory, still now I recall that once Willi pulled one of the prisoners hanging by the feet because he was grabbing the rope above his head.

Q By "Willi" whom do you mean?

A Zwiener. And the unfortunate people were taken away from the gallows when they were not moving any more. And then from the hospital some medics would come with either a car or a stretcher and so-called physician who would kick the body with his foot to see whether they were still moving or not. But there were many hangings also which occurred at Dora and took place at what they called the Holzhof--lumberyard, but usually nobody was assisting those hangings in the Holzhof, but I got the numbers at the labor statistics and had to write it down and I could also see the unfortunate prisoners go in the direction of the Holzhof. The Holzhof was the place where they were cutting wood. Most of those unfortunate people were the ones who had tried to escape.

Q Now, let me ask you this question. You said before that some of the people still showed signs of life after they were taken down from the gallows, and you described what happened to some of those people. Will the court in detail what was done to people who still showed signs of life after they were taken down from the gallows.

A Well, some of them were kicked to death. One of them was killed by means of a stool, and I saw myself how they went on to some of them who were not yet dead.

Q Who kicked those prisoners still living to death?

A Killian and some others who were surrounding the place.

Q Can you name some of the others?

A No, my memory is too tired to recall all of those.

Q Can you give the court an estimate of how many people you saw Killian kick to death?

A Well, it is a very difficult question to answer. In any case I don't think that the number would be very important because it doesn't add or take anything away from his crime. He just killed the people.

Q I am sorry to put my judgment, Brother Birin, against yours, but I really would like to have your idea, your estimate of the number of people who Killian kicked to death.

A Let's say a minimum figure of 10 so that I am not obliged to say more.

Q Will you give the court an estimate as best you can of the number of people you saw Bosor shoot to death?

A Three.

Q How many people?

A I couldn't tell you. It was at one time, what that happened. If he gave three shots to one man or three shots to each man, I couldn't tell you.

Q How many different hangings did you see? Not the number of people but different times, different scenes?

A I could tell you about 15 times, and for one hanging there was once 18 men. For one of those hangings I don't know who hanged the people on the butcher's hooks which were at that time. There were eight or nine of them in front of them but they were already hanged. There were nine of them.

Q How did this hanging at the butcher hooks begin?

A In 1944, maybe June, maybe July or August -- don't remember.

Q Now these 15 hangings or 15 hangings at times you saw. In what respect did one of them differ from the other?

A Well, I came to the conclusion that they got more and more training for these hangings and that they were more cold-blooded every time.

Q In what respect did this cold-bloodedness show itself?

A At the beginning, for instance, they didn't have accompaniment of music but at the end they did.

Q Did this increased cold-bloodedness show itself in any other way?

A Well, it became a kind of celebration. They had drinks, after that music and singing in the bunker.

Q Who did the hangings in the bunker?

A Kilian.

Q Who did the executions that you said took place in the bunker?

A Sadler.

Q Anybody else?

A I don't know, I didn't see.

Q Now, is there anything else you can tell the court about Kilian?

A That he was an infernal brute while he was in the bunker.

Q Illustrate what you mean by that.

A Well, when these unfortunate people had been beaten a whole night through he was the one who would drag them under the cold shower and kick them. I saw him beat some to such an extent that the buttocks of those unfortunate people were split.

Q Anything else about Kaimi

A Any other thing I would add to such crimes would be just details. I witnessed myself when he beat to death, and I mean by that that he beat a man in the hall of the bunker with a club or a stool four people who had tried to escape from the bunker. I would still mention and for the benefit of these accused that I still remember to such crimes and tortures he inflicted me. I said this morning I wouldn't talk about that, but I want him to know that I still remember.

Q What can you tell the court about Zwimer?

A When I got there on the 15th of March 1944 Zwimer was camp oldest. Well, there were two other camp oldests in the camp, and they were ordered to perform a hanging and they refused to obey this order so immediately they were taken away from this assignment and Zwimer was made camp oldest at his place and since this time he always presided at every hanging. His two predecessors were named Jay cox and Georg Thomas, who became later on the case of the labor statistics, and George Thomas who became the cape of the supply room--clothing supply room.

Q What happened to Szymcak and Thomas for refusing to perform the act of hanging.

A They lost their job as camp eldests with all the advantages that they had had as camp eldest because they had a lot of advantages. Well, from this time on they were not trusted any more in the camp and I don't know why, and a couple of weeks before the liberation of the camp they were sent to the bunker and Sander shot them to death. But I want to specify that I do not know for which reason they were sent to the bunker.

Q At how many hangings did you personally see Zwiener officiate.

A Maybe five or six.

Can you give the court an estimate of the total number of people you saw hung by Zwiener?

A No, because I know what happened at the holshof, that being rather held secret.

Q Brother Birin, which of these two, in your opinion, was the more expert hangman?

A Kilian. Usually on days when he didn't hang anybody he looked rather sad and used to laugh at us at the bunker when he opened the door. He said, "Well, your turn is next."

Q Who said that?

A Kilian. And to hang those people he had a very beautiful uniform on, a little jacket like somebody from the very high set.

Q What can you tell the court about Buchrin, whom you have previously identified

A When I saw Buchrin in the bunker he beat people and he was the one to take this piece of wood in the mouth of the prisoners. I think, in my opinion, that he was one of the main assistants of Sander.

Q Upon what do you base that opinion?

A Because he was mostly with Sander and when Sander went to the other prison of Nordhausen he seemed to be the trusty, or the deputy, of Sander.

Q Who made the interrogations in the bunker?

A Sander.

Q Who was present at these interrogations?

A Usually Walenta.

Q Who else would be there occasionally?

A The SS of the bunker, the capo Max and other SS who were in charge of the bunker. There was a capo Max, there was also another SS, Max Deckert, who was the big chief.

Q Who was present when Sander did the shooting in the bunker?

A Walenta, Kilian and the bunker SS.

Q What can you tell the court about Walenta?

A At first Walenta was an inmate like we were. First he had the "T" triangle for Czech and then he was pro-German, he probably got the nationality because of the numerous atrocities he committed for Sander. I knew that he killed in the hallways of the bunker and, if I remember correctly, on the ninth of March 1945.

Q When did he kill on the 9th of March, 1945?

A Russians.

Q How many?

A About twenty were killed. I don't know how many he killed himself, but I know that he bragged about it, that he beat them to death.

Q What did he say?

A He said, "As far as I am concerned, I threw down at least four or five of them."

PROSECUTION: I would like a correct translation of that. What do you mean by "down"?

A I mean by that threw down. Killed them or beat them with a steel or with a club. I don't think, I am sure; I saw the bodies.

Q How many bodies did you see?

A The 19, 20, or 21 of the cell, who wanted to get out of the

bunker.

Q How many cells were these 19, or 20, or 21 in.

A In one cell, and these people were ex[illegible]perated because they had been confined to this one cell for 48 hours and every minute somebody came to tell them that they were going to be hanged.

In what cell were you, Brother Bivin?

A I was in cell [illegible] 15, and these other people were in a cell which was opposite of the [illegible] bunker. Well, I mean by that, in the opposite side of the cell where the prisoners were confined. It was in the same building. It was just separated by a hallway.

Q Will you give the court the names, so far as you know them, of the men who participated in the killing of these 21,or perhaps 19 or 20, Russians?

A Kilian, Valenta, SS Max Deckert and a criminal prisoner called Jumbo who was a great friend of Kilian's. SS Gustav Grund, who was a rather old SS already.

Q Can you name anybody else?

A I can't remember exactly, I think I remember Buehring, but I am not sure about it. In any case, Buehring came in the bunker in the evening to take the hostages for the next day. And that is where Kilian showed his brutality, took our clothes off and beat us all over the body. And on this evening all the SS beat us with rubber hose.

Q You said "us". Whom do you mean by us?

A All the inmates of the bunker because all the inmates were taken in the hallway and they were undressed and searched to see that they had nothing hidden on them to try to escape.

Q Who did the beating?

A Kilian, Valenta, and all other SS.

Q Name the other SS?

A Max Deckert, Buehring, Gustav Grund, who on this occasion was

wounded by a Russian.

Q Did you know a prisoner by the name of Cespiva?

A Very well, because he was in the same cell with me.

Q Do you know whether he was beaten the night that you are just now talking about?

A He was not only beaten but he was taken away from my cell to get a harder fate.

Q What can you tell the court about the treatment he received in the bunker?

A Whom do you mean?

Q Cespiva?

A One day he was in the cell with me, he got 82 or 84 lashes.

Q Do you know why?

A The pretext was that there was a resistence movement in the camp, which was not true. The only thing is we wanted to get out of the camp. That is true. There should be an explanation about this. There always had been resistence, but we Frenchmen were already condemned to hard labor and we were not going to work for the Germans.

Q Why were you put in the bunker?

A First because I helped numerous comrades in the camp by assigning them to easy work. And secondly, because of an indiscretion. This day Brinkmann came to the labor statistics and at the same time hundreds of American planes were flying over the house and Brinkmann said, "If one day something should go wrong, none of you will get out alive".

Q What was the indiscretion?

A I am just getting to the point.

At this time we were by groups of three in the camp. Those three others knew three others and so formed a chain. These in case we were discovered that not too many people could be compromised.

PROSECUTION: Just a moment. I agree with the German. Have you got the translation of that?

(Thereupon the reporter read back the last answer.)

PROSECUTION: Will the--

PRESIDENT: I am not too sure of that myself. Will the witness repeat that answer please. Have it translated sentence by sentence.

THE WITNESS: From what point on do you want me to take it?

PROSECUTION: From the second reason why you were arrested.

A The roll call leader came one day to the labor statistics. Hundreds of planes were flying over the camp--American planes. We were smiling, which was normal. Then the roll call leader said literally the following words: "If anything goes wrong none of you will get out alive from here." That is why I organized a chain of resistance in the camp in case they would try to exterminate us. This organization consisted of the following: Three people knew three other people. Those in case there would be an indiscretion to cut off the danger.

PRESIDENT: Do you not mean lessen or minimize the danger?

INTERPRETER: He means that these three people wouldn't know anyone else and if those three were gone the knowledge would go no further.

QUESTIONS BY THE PROSECUTION:

Q While we are talking about Brinkman brother Sirin will you tell the court what you knew about Brinkmann?

A Yes, but I would like to finish. There were some people in the bunker which didn't know anything at all and who were innocent. I was there myself. I was tortured but they never got out anything from me and I was tortured there for five months. I want to add that many people confessed

that they were members of this action though they were not just because they wanted to be able to get rid of the tortures.

Q What happened to these people in the bunker who were not members of the resistance?

A They were hanged.

Q Were you or any other prisoner at Dora to your knowledge ever brought before a court for a hearing by a legal court or any kind of a court?

A At Dora, never. Sawitzki and Sandor had full power from Berlin to hang whomever they wanted and whenever they wanted to.

Q Were you ever interrogated?

A Yes, but mostly beaten and I didn't admit anything.

Q Describe to the court one of these interrogations.

A That is rather complicated.

Q Make it short. Describe it in a few words.

A Well they were just merely asking you, "Are you a member of this organization?" and if you would say no I got 25 or 50 or 80 lashes--

Q And if you said--

A And sometimes up to 150.

Q And if anybody said yes to escape further beatings what happened to him?

A Well they would go on beating until they would give the name of the comrades who belonged to this organization and some of them gave names of comrades they didn't even know at all just to stop the beating. I can mention a typical fact.

Q Please.

A One prisoner gave the name of another prisoner to stop the beating and then it was proved after two days that this comrade had just arrived from Buchenwald two days before that or two days after this man was arrested.

Then Sander did the following: He ordered this man to give 50 lashes to the one who had given him the beating before--the one who had denounced

Q Now Mother Birin will you please tell the court what you know about Brinkmann?

A Other people will be able better than I can to testify about it but I will mention some facts. As a matter of fact, he was dreaded in the camp. He made roll call last for hours and this was not necessary at all under rain or snow. He is responsible for the deaths of numerous comrades. He is indirectly responsible for the deaths of hundreds of comrades who were compelled to work for 12 or 14 hours a day and the people were so tired from those long roll calls that sometimes they collapsed and one evening after roll call he made the following games: For two hours we had to remove our caps and put them on again on the order "Cap on. Cap off."

PRESIDENT: It occurred to me, may it please the court, that this might be a good place to stop.

PRESIDENT: The court will recess for 15 minutes.

(Thereupon the court recessed at 1445 hours.)

(Thereupon the court reconvened at 1500 hours.)

PRESIDENT: The court will come to order.

PRESIDENT: Let the record indicate that all members of the court are present, the accused and the prosecution are represented by counsel; all of the accused are present; the reporter is present and there is a new interpreter to be sworn.

At the end of the last session the witness Birin was still under direct examination.

PRESIDENT: The court has appointed George Converse as interpreter and he will be sworn.

(Thereupon Mr. George Converse, U. S. Civilian was sworn as interpreter.)

PRESIDENT: The witness is reminded that he is still under oath.

FATHER ALBERT MIRK, called as a witness by the prosecution, being reminded that he was still under oath, took the stand and testified further through a French and German interpreter as follows:

DIRECT EXAMINATION, continued

QUESTIONS BY THE PROSECUTION:

Q Will you briefly describe the cell which you occupied in the bunker at Dora?

A It was a cell one meter seventy wide two meters 50 long and in general we were there up to 25 men.

Q How did you manage to sleep.

A We stood up day and night except when we fell on top of each other and when some unfortunate who was under the pile of people complained an SS or Kilian would come and beat with his stick the people who were on the pile.

Q What food did you have while you were in the cell in the bunker?

A At 7 o'clock in the morning or at 6 o'clock rather we received a few drops of clear water which contained a few pieces of turnip with approximately, but the weight was rarely there, one hundred grams of bread, except the German nationals who had the camp ration which consisted of one liter of soup, 250 to 300 grams of bread, 20 grams of margarine and a little sausage.

Q Describe the bread.

A A black bread which we found very good because we were very hungry.

Q What was it made of?

A I don't know.

Q Let us go back to Prinkmann.

A But I want to add, if I am allowed to, that we would only relieve

(Sirin-direct

ourselves twice a day. At the exit stood a capo of the bunker and Kilian who stood there with a stick. The capo of the bunker was named Max.

Q All right now, let us go back to Pirkmann. Tell the court what else you know about Pirkmann.

A I want to add, because I think it has its own importance that the dogs were sicked at us in the hall of the bunker.

I had started. I would like if questions were asked of me. I already spoke of the roll call and everything I would like to know what was said already so that I don't repeat myself.

Q I will ask you. Did you ever participate in or see the so-called sports on the roll call place at Dora?

A There were sports and sports. There was a punishment sport and the sport which consisted of football. Which sport are we talking about?

Q Tell the court about the punishment sport.

A It consisted in making the unfortunates run around the roll call square by jumping like frogs and for periods of one hundred meters and on top of that they were forced to remain there on the roll call square standing for a whole night.

Q How long would this sport session last?

A I saw some which lasted 3 to 4 hours; I saw some which lasted 24 hours.

Q Who was the leader who was giving the orders in this punishment sport?

A That is very hard to say, because the were watching all the time, but as far as I know it was Pinkmann who gave some orders, and enforced it.

Q What would be the condition of the prisoners at the end of this sport session?

A Exhausted. Many of them dropped dead during these sessions.

Q Do you know from what cause these people died during these sport sessions?

A Out of exhaustion.

Q Can you tell the court anything else that took place during this sport session?

A Well, we had the impression that these SS gentlemen were having a good time because they laughed as much as they could.

Q Did it ever happen that you became too tired to continue these sport exercises?

A As far as I am concerned, I was lucky enough not to have to do too much sport because I was confined in the bunker for the last 5 months of my stay there, and the 4 months before that I was employed at the labor statistics office and I was thus set aside.

Q Did you ever see during one of these sport sessions any prisoner who became too exhausted to continue?

A I saw many and I saw them being beaten down with a stick because they could not continue any longer.

Q What happened to those who couldn't continue?

A They were thrown on the side of the roll call square after having been terrifically beaten, and charitable comrades were needed to carry them

back to their blocks.

Q Who did this beating?

A The capos of the various kommandos by order of the SS.

Q Who of the SS gave this order?

A That I did not know.

Q You have also recognized the accused Simon. What can you tell the court about Simon?

A I knew Simon when I was employed at the Krematorium further detail, where he came to carry out some inspections, to see if the work was progressing. We worked there in abominable conditions, under rain and under snow, 13 and 14 hours in a row without anything in our stomachs, as we only received our food at 9 or 10 o'clock in the evening after coming back guarded by the SS and their dogs.

Q What did Simon have to do with that?

A He was chief of the labor service and he came and reproached us because the work was not progressing sufficiently and he beat.

Q Did you see him yourself beat prisoners?

A Because I received the blows myself.

Q With what would Simon beat prisoners?

A With his -- well, how would I call that? -- a kind of rubber hose which he had constantly. It was rather like a horse stick.

Q How often did Simon beat the prisoners and where?

A I don't know how many times, but I know that I received some blows that day and I want to point out that when Simon came to perform the inspections even the SS trembled before him.

Q These other prisoners whom you saw Simon beat -- not yourself, but others -- where would he beat them? Upon what parts of the body?

A Any place, just the way the bar was before him. But I want to add that that is not my accusation. I waive that accusation. But I have another accusation to make against him.

Q What is this other one?

A It is the labor service chief Simon who gave the order that some comrades would be deprived of half of their food ration for 8 or 15 days because they did not work enough and those comrades died from that.

Q During this time when they were on half rations, what did the prisoners do?

A They worked on the earth work[illegible] they [illegible] tunnels. They performed the [illegible].

Q You say that a number of these people who were deprived of half of their rations died because they lost half the rations. Upon what do you base your statement that they died because this food was taken away?

A Because these people were very much weakened and to deprive too weakened people of half of their rations for 8 or 15 days at a time and to make them work 13 or 15 hours a day like people on a chain gang, that meant their death. While I was at the labor statistics office I saw more records of death from that than any other cause.

Q Is there anything else you can tell the court about Simon?

A I simply add that Simon was the "big boss" and everybody was terribly afraid of him, and each time that I saw him I tried to get out of his way; that is why I met him rarely.

Q Another matter, you also identified the accused Andrae. What can you tell the court about Andrae?

A I only have one or two things to say about Andrae, but I would like to point them out. I don't know if he is the one who is guilty or if it was the administration of the camp. Andrae was in charge of the distribution of parcels which we received, or, did not receive, from our families. I will simply mention the following facts: Last of 300 parcels which my family sent me at Dora, I only received 8, and out of those 8 packages I found some which had a large wrapping around them, and in the wrapping I just found one pill of saccharin in a parcel which must have weighed over

15 kilos. But that is not the accusation. The accusation is the following: I know that three or four thousand Red Cross parcels must have arrived at the camp. The address on them was the following. "To a French Political Inmate of the Dora Camp Annex of the Buchenwald Camp." Well, those 4000 parcels were looted. There were maybe over 4000 -- maybe there were 5000; maybe there were 6000; maybe there were 10,000 -- I am just giving a minimum figure. So, those parcels were completely looted at the parcel distribution and I was told to find a man who would go and burn the wrappings at the SS heating system.

Q By whom were you told that? By whom were you told to do that?

A The camp of the work statistics. That was for some confidential work. The comrade who burned these wrappings kept two of them with the addresses and I kept them and hid them away. And I would have brought them here if I had not left them at Dora, because I was arrested and I was unable to find my things after that. I don't know if Andrae did that of his own initiative or if he was told to do so, but in any case that is my accusation.

Q You also identified Braunv. What can you tell the court about Braunv?

A I have something more to say about Andrae. If Andrae was sent to watch over the showers -- the disinfecting procedure -- in any case, it was him, I am sure. Because, I want to add that he has lost a lot of weight and I recognize him with difficulty. It is him whom I saw beat in that case while I was in the bunker and that I went to be disinfected.

Q Describe this beating that you say Andrae perpetrated in the disinfection place.

A Put ...ace as we tried to save whatever we could -- we tried to save maybe a shoe lace or a piece of clothing -- and it is at that time when a comrade was passing some objections to me that this comrade received a beating from him.

Q With what did Andrae beat him

A But with the rubber hose which they all had and walked around with.

Q Where did he beat this prisoner?

A On the back.

Q How many times?

A Perhaps 10 or 15 blows.

Q How many prisoners did you see beaten during these visits you made to the disinfection place, giving an estimate, please?

A Each time I went to the disinfection place I saw 10, 20 or 30 being beaten.

Q Who would do this beating?

A The SS who were watching, and also the capos worked at the disinfection office.

Tk 114-me-Nordrauson-8/2-/47-1

Q. ...ne names, please, of ... who did the beating.

A. I don't know. I don't know any who did not beat.

Q. Well, on how many occasions did you see Nordrauson beat people in the disinfection building?

A. If it is him ... beating, once.

Q. Anything else about Nordrauson?

A. You recognised the accused Hoeser. What can you tell the court about Hoeser in addition to what you have already said?

A. Hoeser was camp assistant. I hold him responsible for the inhuman living conditions which we suffered. He rode proudly on his horse through the camp. Here is a question one should ask Hoeser, what happened to those two trucks which were full of watches and rings which belonged to the inmates. Those two trucks disappeared at the time of the evacuation which has come from Buchenwald to Nora, and at the time of the evacuations these two trucks were loaded up and they disappeared, nobody knows where. The two trucks had come from Buchenwald to Nora, and at the time of the evacuation of the camp those two trucks left nobody knows for where.

Q. What can you tell the court specifically about Hoeser that you saw or heard?

A. Well, I know about the orders given in the camp.

DR. LATERNSER: Before that answer is translated I would like to make a request of the court to ... the witness' last answer stricken on the grounds that it was a pure surmise and it was a speculative accusation to be put against the accused, and it is in no way again[st] any of the accused in particular.

PRESIDENT: The objection is sustained and the answer will be stricken.

DR. LATERNSER: The answer or the question?

(Dirin-direct)

[illegible] the orders and all of it is subject to the question. What you contend to translate?

Dr. Seidl: Yes, all I want to define now is the word order and ordinance. For those are the those things would have been a translator, and who is able to define that word?

[illegible] I will put my question later on and you will have chance to tell about it. At the moment, I would like to have specifically the details about what you know about orders.

The Witness: The orders are simple. All the orders were signed by Himmler.

Questions By Dr. Seidl:

Q What kind of orders?

A For example, the details out of this little post which we received and which we received on Monday.

Q You have told the Court about beatings in camps and about these punishment sports and their things. How do your knowledge and observations about these things and also about the medical, etc., and the knowledge?

A As he was assistant to the camp commander, it was impossible that that took place without his approval.

Q What do you mean to the personal impressions which belonged to the prisoners who died in Dora and its subcamps or both?

A Nobody arrived directly at this camp, they usually went through a Buchenwald or through Auschwitz, or [illegible] because those people came only to replace the people who died, [illegible] announced cynically by one chief of the labor service [illegible] expression, "Some new arrivals." [illegible] already dressed in striped clothes. I myself was not taken from them at Buchenwald, but I know that their hair, their suitcases, and their [illegible] pens, for example, arrived at Dora after they had been confiscated.

I know, for instance, for the case of the Buchenwald camp that the American Army found many things when they arrived there, and the things which belonged to Frenchmen, whether they were dead or alive, were sent to Paris.

Q What happened to the rings and watches and fountain pens which belonged to the prisoners and which were sent to Dora?

A I know that they were loaded into two trucks and that those trucks left on 4 April 1945, and no one knows where they went or what happened to them.

Q By whose orders did they leave Dora?

A Because it was the evacuation of the camp on account of the advance of the troops.

PRESIDENT: The court will recess for 15 minutes.

(Thereupon the court recessed at 1530 hours.)

* * * *

(Thereupon the court reconvened at 1615 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all the members of the court are present; the prosecution and the defense are represented by counsel; all of the accused are present; the reporter and interpreters are present. At the end of the last session the witness, Birin, was under direct examination.

PRESIDENT: The witness is reminded he is still under oath.

FATHER ALBERT BIRIN, called as a witness by the prosecution, resumed the witness stand, and being reminded that he was still under oath, testified further through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

THE WITNESS: I have a question I would like to ask the court.

PROSECUTION: It isn't a question, it is a correction.

QUESTIONS BY PROSECUTION:

Q Do you have a correction you want to make in something you previously said?

A Yes.

Q Please make it.

A When looking over my notes during recess I noticed that I confused two names. I mistook Glaser for Oeser. Glaser was the one who always rode on horseback. He was commander of the troops.

Q Now, you identified the accused, Breuny. What can you tell the court about Breuny?

A Breuny beat continuously as we passed in front of him at the entrance of the camp which was called the Tor. I did not see him kill personally, but I saw him beat a lot.

Q What did he used to beat with?

A With the rubber hose.

Q Where would he beat the prisoners?

A On the back, in the face, on the legs--everywhere.

Q What was Breuny's job in Dora, if you know?

A I saw him especially at the door controlling the exits and the people who were coming in. He was not there all the time; he was sometimes somewhere else, but when he was there he showed unbelievable brutality.

Q You also recognized the accused, Jacobi. What can you tell the court about Jacobi?

A Jacobi was especially in charge of what was called the wood work shop--carpenter shop, and also the building of barracks. I accused him of making four prisoners climb the mountain as the camp was in a valley, and we called that "the mountain" with huge loads.

Q What did these loads consist of?

A In order to build a barracks some large panels were prepared in the carpenter shop. Those panels were perhaps 3 meters wide and about 4 meters long

Q How much did they weigh, do you know?

A I carried them personally. I would say that it is about--it all depended whether it was green wood or wet wood. And especially they weighed heavy on account of their length, and they were very difficult to carry.

Q What else can you tell the court about Jacobi?

A That I saw him proceeding to roll call with his rubber nose just like everyone else.

Q Now, this morning you recognized one of the accused as being a grand manager, or with some such title in the tunnel, but you couldn't name him at that time. Will you look at this same accused again and see if you can now tell the court his name?

DEFENSE COUNSEL: If it please the court, I would like to enter an objection to this posthumous identification. If he couldn't identify him at the time, he can go out and refresh his recollection again and naturally he can identify anybody. I object to his identifying him at this time.

PROSECUTION: I was just about to say the identification was complete in every respect except for his name. He gave his title and he gave his work and where the man worked and if the name has been suggested to him, that is a matter for cross examination.

THE WITNESS: I would like to tell the defense that if he had spent 16 months in the Dora camp and in the bunker, I am sure that they would remember even less than I do.

PROSECUTION: I ask the court's judgment on the question.

PRESIDENT: The accused in question can turn his number around and the witness may refer to him by number and not by name if he wants to. His description as to his duties and other characteristics was complete as far as the court was concerned.

PROSECUTION: That will satisfy me if the court will issue the instructions.

DEFENSE COUNSEL: Yes, that will be all right with me.

THE WITNESS: But I know his name. I have his name in my head but I must look at the numbers. I know his name but I don't know his number.

PRESIDENT: The witness will refer to that particular accused by number, and has the witness seen that number?

THE WITNESS: 14. Kickhey.

QUESTIONS BY THE PROSECUTION:

Q Will you tell the court what you know about the accused wearing placard No. 14?

A I only know one thing. That he was the big shot responsible for the tunnel, thus he was the big shot responsible for all the deaths. I will stop there; I think that is sufficient. It must be pointed out that the men worked during six months in the tunnel, Dora tunnel, without enough food, without water and without being able to go out a single time.

Q Will you please let me ask the question. How often did you see this man?

A I saw him in a general way when some important inspections came from Berlin with a man called Kammler.

Q Where was this?

A Kammler?

Q Where was this labor statistics office in which you worked?

A The first barrack at the entrance of the camp after the SS barracks next to the roll call square.

Q Did your duties ever take you into the tunnel?

A Very often, including the following commandos, Harzungen, Ellrich, Klein Bodungen.

Q Where did you see Kickhey?

A In the camp and at the Labor Statistics Bureau.

Q What would he be doing in the camp?

A Probably some inspections to see if everything was in order.

Q What would he be doing in the labor statistics office?

A He came to see with Kammler this chart which showed the output of the personnel and the work output.

Q Where was this chart?

A In the Labor Statistics Office.

Q Tell the court specifically and in detail just what the figures were that appeared upon this chart.

A In what point? Could you please make your question more precise?

Q What was this chart supposed to represent?

A The number of men who went through the camp. The number of nearby tunnels which had been dug.

Q What else would it show?

A My recollections are not very precise but it showed everything except the number of dead. My recollections would be very good except that one must realize what I went through.

Q You said the chart showed the tunnels which were dug and the number of prisoners in Tora, is that correct?

A Yes, that is correct.

Q Would anything be on the chart to show the different work details?

A It showed exactly the strength as regard to the number of available workers in the camp.

Q Who would be in this office when number 14 and Kammler made these inspections?

A When their visit was announced the capo would run away.

Q Who stayed---

A We remained--us the poor workers.

Q Did you ever hear any of the conversation between Kammler and number 14?

A He usually showed him the charts and they would exchange a few words and they left. I was never able to hear their conversation in any case we were transfixed there.

Q Who showed him the chart?

A The camp commander. I think I saw Moeser, but there was another

camp commander. I don't remember his name.

Q Where was kept, if you know, the rules and directives which stated how many hours a day a prisoner should work and how many days a week a prisoner should work?

A The rules were transmitted to us by the chief of the Labor Allocation Office, Simon who transmitted them to the capo Szymcak and the latter transmitted them to the Labor Statistics Office. I must add that the orders were signed either by Simon or by some SS technical sergeant or staff sergeant by the name of Barth.

Q Were these orders with respect to hours of work and days of the week that one had to work orally given or in writing?

A In writing.

Q How many days a week in the camp did the prisoners have to work?

A As many days as there are in a week except that once in a while they spoke to us about Sunday and that roll call took place at two o'clock and if everything was allright we were free after four o'clock.

Q Wasn't there a time when you got a Sunday or every second Sunday or every third Sunday off?

A Never and for the first eight or ten months of the existence of Dora we never had a single Sunday.

Q By whom was the order signed that the prisoners had to work Sundays?

A It was the camp tradition. It didn't have to be signed.

Q Did you ever see anything in writing which required working on Sundays?

A For certain details who were punished and who continued to work the whole afternoon but everybody worked until 2 o'clock.

Q Were there any accused whom you recognized this morning but whom you didn't name?

A How is that, that I didn't name or that I didn't talk about them? The question is not very clear.

Q The ones you didn't name.

A No. I'd like to tell the court about some statistics which I saw myself. I stated under oath that for the first six months at Dora only five men out of six hundred survived.

Q What did the rest of them die from?

A Too much work; exhaustion; lack of food; lack of hygenic conditions and torture.

PROSECUTION: I am practically through except that before quitting I would like a chance to make sure I haven't skipped anything.

PRESIDENT: The court will recess until 0900 hours tomorrow morning.

(Whereupon the court recess until 0900 hours 29 August, 1947)

VOLUME 16

MILITARY GOVERNMENT COURT

Pages 1079-1136

CASE RECORD

CASE NO. OOC-JC-37

PROSECUTOR Lt. Col. W. Berman

*SUMMARY
INTERMEDIATE MILITARY COURT
GENERAL

DEFENSE COUNSEL Dr. J. Goldblatt

INTERPRETERS [illegible]

PLACE Dachau, Germany

REPORTERS [illegible]

DATE 29 August 1946.

WITNESSES

[illegible]

Paul BARRIL

ACCUSED ARTHUR AUST, et al

ADDRESS _____ SEX _____ AGE _____

	FIRST CHARGE	SECOND CHARGE
PLEAS		
FINDINGS		
PREVIOUS CONVICTIONS		

IMPRISONMENT (FROM _____
(
(BEGINNING _____ 194_____

SENTENCE

AMOUNT _____
TO BE PAID BEFORE _____ 194_____
FURTHER PER. OF _____ IMPRISONMENT

FILE

CHARGE SHEET AND RECORD OF TESTIMONY ARE ANNEXED HERETO.

_____
SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY _____

_____

_____
SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

RECORD OF TESTIMONY

in trial of

THE UNITED STATES versus ARTHUR KURT ANDRAE, et al

by

GENERAL MILITARY GOVERNMENT COURT

tried at

CAMP DACHAU, GERMANY Beginning 7 AUGUST 1947

29 AUGUST 1947 Pages 1079 thru 1136.

TESTIMONY

WITNESSES:	Direct	cross	Redirect	Recross	Court
Father Albert BIRLE	1079	1084			
Paul BARRIL	1129	1134			1135

pld-156-1

Dachau, Germany

29 August, 1947

MORNING SESSION

(Whereupon the court reconvened at 0910 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present; all of the accused are present; the reporter and the interpreter are present; prosecution and defense are represented by counsel.

At the end of the last session the witness Father Birin was still on direct examination.

PRESIDENT: The witness is reminded that he is still under oath.

FATHER ALBERT BIRIN, called as a witness by the prosecution, being reminded that he was still under oath, resumed the stand and testified further through a French and German interpreter as follows:

DIRECT EXAMINATION, continued

QUESTIONS BY THE PROSECUTION:

Q. Will you please explain to the court the difference in functions between the Labor Statistics Office and the Labor Allocation Office?

A The Statistics Office was an office which was on the inside of the camp not in the tunnel. In this office one could easily and exactly find where each prisoner was at any day or at any hour of the night. Every morning the capos had to bring and the foremen had to bring what was called the "stirkemeldung".

Q Please, I would like to know what the "stirkemeldung" means?

A The "stirkemeldung" was a card which had the following written on it: "The strength of the detail is---". Underneath it was written, "The strength should be---" as any explanation should be written in order to explain the strength which should be part of the detail and the actual strength. For example, so many at the hospital, so many at the convalescent block, so many without clothes thus they were unable to work but I must add that I saw hundreds go to work without shoes, without a jacket or even without trousers and thus the complete strength in the evening could be

(Birin-direct)

given for roll call on the ones who were missing, who were not in the ranks were automatically found in the pile of corpses and as long as one was missing at roll call we remained at roll call for hours and hours until the one who was missing was found.

The Arbeitseinsatz was the office which was located in a tunnel. This office took care only of detailing people to work in the tunnel or at the manufacturing of V-1's. It comprised about one hundred various details. Half of them worked by day and the other half worked by night and when they wanted some information about somebody who wasn't at that time in the tunnel they came for that information to the Work Statistics Office.

Q What was the relationship between the Labor Allocation and the Labor Statistics Office? In what ways did they work together?

A They worked very much together because the labor allocation office could not do anything without referring to the Labor Statistics Office. The proof is that if a man did not or was not part of a detail anymore here we had to take his card out and reclassify it so that the man would not get lost.

Q Will you give the court some additional examples between the relationship of the Labor Allocation Office and the Labor Statistics Office.

A For example the orders which were given by the foremen for example Cawitski or Pickboy such as the lack of strength down at the tunnel were obliged to notify the Labor Statistics Office in order to have some more sent down to the tunnel.

Q Will you explain a little more in detail how the requirements for labor in the tunnel were met?

A That is simple. Every two or three months two or three thousand men arrived from Buchenwald who had just been arrested in France or in Belgium and who replaced the missing strength in force.

Q By whom would the decision be made that additional workers were

(Sirin-direct)

needed in the tunnel?

A The high management of the tunnel, the engineers. I saw the orders signed by Kwitski or Rickhey and transmitted through the Labor Service Chief Simon and Sikon and Barth.

Q Will you tell the court as nearly as you can remember what these orders that you say were signed by Rickhey would say?

A For instance that some known details had to be created in the tunnel as the work progressed and they asked for a strength of so many men but asking especially for some specialists of such and such a thing.

I would like to add today in order to console them that we were very careful to send to am everybody except specialists.

Q How many of these orders signed by Rickhey do you remember seeing?

A I can give no precision on that matter but there were several, but I had the impression that there was much more red tape there than we have in France though in France we complain about having too much.

Q Now yesterday you were talking about working on Sundays and said that the first six months the prisoners worked every day in the week including all day Sunday. Do you remember saying that?

A Not only Sunday, but I gave the figure of six months as a minimum. I can really say that we worked every single day of the week for eight months in the tunnel.

After this eight months was there a time when you had at least part of Sunday off?

A Yes once in a while but in any case we worked every Sunday until one o'clock in the afternoon. Then there was roll call and according to the time at roll call--the roll call lasted one or two hours--we had the rest of the afternoon free, but every Sunday there was some details who were punished and who worked every Sunday.

Q By whose orders?

A I saw some signatures of Sion. I saw some signatures of Barth. I saw some signatures by the camp commander Eberschmier. I saw some signed by Sigmon. I saw some signed by Hickmay. I saw some signed by Brinkmann. I saw some signed by Mattler, and also by Oesor. We must not forget that.

Q Did this system of part-holiday's off for details that were not punished continue until the end of the camp, or was ever that changed at one time?

A That is difficult for me to answer that question because as far as I am concerned the camp stopped on 4 November '44, the date of my arrest.

Q Now, Brother Birin, were there in Dora or the outcamps of Dora any priests or ministers?

A I only knew two of them who like myself hid away in order to follow their comrades of the resistance inside the camp. One of them was killed because he was caught while giving absolution to a comrade who was dying.

Q By whom was he killed?

A By an SS, but I don't know his name.

Q When and where?

A Probably during the month--at the end of the month of August or the beginning of September 1944.

Q Where?

A In the camp. In any case I want to tell the court the following that when we arrived at Dora, the camp commander Eberschmier told us that the least sign of practicing religion would be punished by hanging.

Q What happened to the second priest?

A I had the second priest in the tunnel in a detail as secretary, which allowed him to have in his desk drawer a few small hosts which I made myself, and there he told mass as long as he was not watched. When someone came, an SS or camp, he would close the drawer, which allowed us to give

communication to thousands and thousands of [illegible] to be sent discretely. For example, [illegible] treasury of the nation, and [illegible] behind the backs of our torturers. I want to [illegible] textually, any outside source of relief can be nullified by bringing [illegible] for as there is only one god, and that is the Koran.

Q You said, brother Karim, that you have visited Jerusalem and Africa. Can you tell the court when those visits were made.

A It must be well understood that Jerusalem and Africa were not made when depended on arms, that I went there only to control the strength and in order to know the cards and files in good order. And in any case the question could stop there because there are some countries who are to Africa and who could talk about Africa in a very precise manner.

Q What do you mean by your statement that you went to Africa and Jerusalem to make a control?

A The labor statistics office and all the strength of the Bar Cam-bors and Africa and Jerusalem and Black Panther and so forth.

Q What would be the purpose of your visit to Africa, for example?

A In order to put the cards and in order and so forth.

Q Why would that be necessary?

A But just to put the files and the cards back in order because some comrades died and we realized that the files and cards are not in order any longer. I want to say that there are not only a few comrades who died but thousands of them died.

DEFENSE COUNSEL: If it please the court, I certainly do not want to interfere with the method of the questioning of the prosecution, but I think it only fair while there is still time left to bring to the court's attention the fact that it is my understanding that the witness is going to have to be excused permanently today, that he cannot remain on until Monday.

and it is the intention of the prosecution to put on one other witness in addition to him, if possible, and we would like to serve notice that we want ample time to cross examine this witness, and we request that all this general matter be cut down as much as possible. There are three that have to cross examine on this side.

PROSECUTION: I will stop now, having this point in mind.

DR. AHLEMANN: Cross examination for the accused Simon and Hickmey.

CROSS EXAMINATION

QUESTIONS BY DR. AHLEMANN:

Q When did you see the accused, Hickmey for the first time?

A The beginning of May 1944, even before.

Q When did you go to Dora for the first time?

A But all that was said already—on 15 March '44.

Q I have the right to question you about what you have already stated.

PROSECUTION: I only hope that any comment of that kind would come to the court because if the lawyers and the witness start arguing with each other—

THE WITNESS: I want to tell the court that I will answer any questions which are intelligent and are with good sense, but I don't want to have the impression here of being before a commission or tribunal.

PRESIDENT: The witness is informed that he is here before this court for the purpose of giving testimony to enable the court to determine the entire truth about the matter now before it. You will be questioned by both the prosecution and the attorneys for the defense. He will answer questions put to him. Improper questions may be objected to and maybe stricken from the record. That is a matter for the court to determine. Proceed.

QUESTIONS BY DR. AHLEMANN:

Q Was it only one time that you saw Simon while you were working in the detail at Gross Bertner?

A Maybe two, may e three, maybe four—. don't know.

(Affirm-Cross) -1084-

Q What was Simon's business at Cross ertner duri.g these occasions?

A B t I imagine it was an inspection; he didn't come t to l me what he was doin there.

Q Was he alone or was he toget er with other people?

A Several.

Q Please describe the rubber hose wit which you were beaten that time by Simon.

A What do you mean by "description", do you want the color or the way it was manufactured?

Q How long was this rubber hose approximately?

A I am taking a supposition but these are such exact questions that they are difficult to answer, but let's say about a meter, minimum.

Q And about how thick was it?

A I don't know exactly. I saw so many sticks and so many rubber hoses that I can't today make the exact description.

Q How many lashes did you receive from Si on at that time?

A I don't know. I received so many blows at Dora that I am unable to count them and I don't think anybody could count them.

Q When did work begin at the det il, Gro s ertner?

A We left in general in small open trucks at half past five.

Q And in general when did you arrive at your place of work?

A Those gentlemen had ta en my watch away and I was never able to tell the time.

Q Give an approximate estimate of how long it took you to arrive from where you left to your place of work.

A All that depended on the speed at which the truck was going whether it rained, whether it snowed, or also on a lot of other things. In my case, it was, I estimate, about 17 or 18 kilometers from Dora.

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Q Is it correct that this construction site at Gross Werther was located in the middle of the village?

A I don't know if there was any question about that.

PRESIDENT: The question can be answered "Yes" or "No". No further comment is called for.

Ian Milnes No.

QUESTIONS BY DR. MILNES:

Q Was this construction site located outside of the town?

A Of the village--Yes.

Q At what time was the evening roll call during the time that you were working there at Gora?

A The work--the stoppage of work occurred in such a way that we were able to be back for the evening roll call.

Q I think you misunderstood my question. I asked you at what time while you were working at Gross Werther did the evening roll call take place in Gora.

A But there was never any roll call at Gross Werther.

Q I think you misunderstood my question again. The question was as follows, at what time of the day did the evening roll call take place at Gora during the period of time while you were working at the detail at Gross Werther?

A I think 7 o'clock in the evening.

Q And is it right that the detail from Gross Werther arrived back for this roll call in the evening?

A Not always. When there was a lot of work we came back after the others, and our own roll call took place at the gate as we went in.

Q Did the prisoners at Gross Werther work next to civilians?

A I never saw any civilians there except some civilians who came to install some high tension posts in the neighborhood except maybe for one more man who was born in Nordhausen.

IK 1b7-(Mrs-Hardeman-c/28/47-C

Q Is it correct that you had an hour for lunch--a rest period of one hour at that detail at [illegible]?

A We ever had one hour. At that [illegible], I am not the one was good enough to let us have it.

Q At how many hearings did you see Simon present?

A Maybe six, maybe seven, maybe four, maybe eight--I cannot say exactly.

Q And at what time was this?

A In a general way the hearings took place after roll call.

Q I don't mean the time of day, I mean the months.

A I don't remember any more.

Q What function did Simon have at these hearings?

A I don't know what his function was but I can describe his attitude.

MR. GRIM: The court will recess for 20 minutes.

(Thereupon the court recessed at 1000 hours.)

* * *

(Thereupon the court reconvened at 1 5 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all the members of the court are present; all of the accused are present; the prosecution and the defense are represented by counsel; the reporter is present. There is a new interpreter to be sworn, may it please the court. At the end of the last session the witness Birin was under cross examination.

PRESIDENT: The court has appointed Herbert Rosenstock as interpreter. He will be sworn.

(Thereupon Herbert Rosenstock, U.S. Civilian, was sworn as court interpreter.)

PRESIDENT: The witness is reminded that he is still under oath.

ALBERT BIRIN, called as a witness by the prosecution, resumed the stand, and being reminded that he was still under oath, continued to testify through an interpreter as follows:

CROSS EXAMINATION

QUESTIONS BY DR. ADDICKS:

Q You said that you accused Simon of having withheld half of certain prisoners' rations, is that right?

A Yes.

Q When was that?

A Often.

Q How big were the details who had rations withheld from them?

A That varied. There were some details of 10, some details of 20, and some details which were as large as 120 men.

Q Is it not a fact that this punishment of withholding rations was ordered by the camp commandant, Forschner?

A I don't know that. I only had to do directly with the camp os, with the labor service leader, Simon or Barth.

Q What as far as you know did Simon have to do with the withholding of those rations?

A What did he have to do with it?

Q What connection did Simon have with this punishment of withholding rations?

A I don't know. I cannot say that. I cannot give any precision on that. All that I know is the order came from him.

Q Did you see written orders of that nature?

A Yes.

Q How did these orders read?

A Well, there was an order that such or such detail would have its rations suppressed for so many days--half of the rations.

Q You do not know though, do you, that this order which went through Simon originated with another headquarters which was above Simon?

A No, I don't know that.

Q If such a detail was punished by having half of their rations withheld, what did that detail receive to eat on that particular day?

A Well, they received exactly half of the ration. The whole ration consisted of one liter of soup, 200 grams or 300 grams of bread, 20 grams of margarine, and from time to time a sort of a piece of sausage. I don't know what it was exactly, weighing approximately 50 grams.

Q Did you personally ever talk to members of such details when you were punished in that manner about this punishment?

A Yes, because I was forced to execute the order.

Q Could members of such details, for instance, tell you that they received only half of their soup ration?

A Not only did they tell me so, but I saw it.

Q If a witness had stated on the witness stand here that in the case of such withholding of rations only cold rations were withheld every other day, what would you say to that?

PROSECUTION: I pray the court's judgment.

PRESIDENT: The objection is sustained. The witness will not answer the question.

DEFENSE COUNSEL: If it please the court, I think that a distinction should be made. I realize the general objection of the prosecution to speculative questions and the court's ruling on them, but I believe the defense counsel was speaking about testimony which has been given in the court, not testimony which might have been given.

PROSECUTION: Even so, no witness has to be called on to characterize the testimony of another witness. That is in the province of the court.

DEFENSE COUNSEL: If it please this court, it is proper to ask the witness about testimony that has been presented in court and to get his testimony on that. That is proper examination if the testimony has been given. I willingly grant that speculative questions are not proper.

PROSECUTION: All the witness has to say is that the witness has lied. That is the decision for the court to make.

PRESIDENT: The court has made its ruling. The witness will not answer the question.

INTERPRETER: The witness would like to hear the last question.

PRESIDENT: The reporter will read the question.

(Whereupon the reporter read the last question, "If a witness had stated on the witness stand in re that in the case of such withholding of rations only cold rations were withheld every other day, what would you say to that?")

QUESTIONS BY DR. AMBLER:

Q You stated that frequently Sirom would use the cynical expression, "New goods have come in". From and where did you hear such expressions made?

A I heard it myself at the labor statistics office at Dora.

Q How often?

A May two, maybe three times.

Q You stated that you saw regulations concerning the prisoners' working hours, is that correct?

A I don't understand the question very well.

Q Did you not state on direct examination that you saw the regulations concerning the working hours of the prisoners in Dora?

A Yes, the rulings for the hours of work, certainly. They were very clear, the rulings concerning the details for night work and also for day work.

Q Did you see general regulations—a general regulation fixing the working hours for the prisoners at Dora at 12 hours a day?

A I answered the question by the following. The ruling was very well made out. It determined the hours of work—from 8 to 9 hours.

DEFENSE COUNSEL: I would like to take exception of the translation. I believe he said "regulation" rather than "ruling".

INTERPRETER: "Ruling" or "Regulation—it can be also "regulation".

PRESIDENT: Will the reporter please read the answer?

(Thereupon the reporter read the last answer, "I answered the question by the following. The ruling was very well made out. It determined the hours of work—from 8 to 9 hours.")

THE WITNESS: Well, it must be added that, to that was added four or five hours of roll call a day, and the time taken for the soup distribution, thus the prisoners only had four or five hours a day of rest.

PROSECUTION: I would like to take exception to it because the entire French answer originally was not translated. He said, "about 8 to 9 hours", but he said, "it was never carried out", and that part was never translated. With my own ears I heard it.

PRESIDENT: I believe the prosecution is correct in that the original answer stated that the working day was set up for 8 or 9 hours, but it was never carried out.

INTERPRETER: Should I ask the witness, Sir?

PRESIDENT: Yes, do.

THE WITNESS: That regulation was sometimes applied, but most of the time it was not applied, but I want to add that the hours of work were always increased, especially when we made the V-1's and V-2's. And I want

to add that I am always speaking of the time up to 4 November 1944, the time of my arrest.

PRESIDENT: A little learning, may it please the Court, is a dangerous thing, but I am willing to state that the witness said "plus, plus, plus", and I haven't heard it translated.

INTERPRETER: I translated it "increased" for "more and more and more" work.

PRESIDENT: Let's have the record.

(Thereupon the reporter read the last answer, "That regulation was sometimes applied, but most of the time it was not applied, but I want to add that the hours of work were always increased, especially when we made the V-1's and V-2's. And I want to add that I am always speaking of the time up to 4 November 1944, the time of my arrest.)

PROSECUTION: I will waive that.

PRESIDENT: Proceed.

CROSS-EXAMINATION BY Dr. Aschenauer:

Q Is it not a fact that the general regulations concerning the prisoners' working hours originated in Berlin?

A That was very rare that we saw some messages coming from Berlin. There were perhaps many of them, but they stopped at the SS management which transmitted them to us.

Q By that are you then trying to say that you do not know whether those general regulations came to Berlin, is that right?

A I don't know that.

Q How many prisoners did the so-called "labor statistics" office consist of?

A I saw the strength of it change almost daily. I saw the strength of the camp when it was 12,000, 15,000, 17,000. The strongest I ever saw the strength of the camp was 22,000, but that was composed of some details which were going through in order to go from Buchenwald to Allrich, Hersungen, etc.

Q I don't think you understood my question properly. What I asked you is, how many prisoners worked in the labor statistics office?

A How many laborers, you mean how many people were employed there?

Q I asked you how many prisoners worked there in the labor statistics office.

A I knew the labor statistics office then there were two, four, or maybe about ten.

Q Were only prisoners working there in the labor statistics office?

A Only.

Q And who was in charge of this labor statistics office?

A The capo of the labor statistics office, who went to get his orders every morning down at the labor service chief.

Q Is it not a fact that the labor statistics office was the office to decide which particular prisoner would be sent to what particular detail?

A The labor statistics office received the order that so many prisoners were needed for such a detail, and it was a capo with his main employees who decided who the people were that were needed except that sometimes the order came directly from the SS that such or such inmate would be needed for such and such a detail.

Q If I understand you correctly then, the case which you mentioned last was really an exception?

A But those exceptions can be numbered by the hundreds.

Q Were these exceptions not confined to specialists?

A That I do not know. I saw so many exceptions. It must be well understood that as far as the specialists are concerned, everybody in Dora said they were specialists in order to have it easy.

Q You stated that you helped several of your comrades getting into lighter work. Was that done through these channels through the capo of the labor statistics office?

A So, that was naturally done through the labor statistics office as I was there myself.

Q Were not certain other prisoners of the labor statistics also occasionally working with the so-called labor allocation in the tunnel?

A In the tunnel—at the same time?

Q On different days there?

A Not to my knowledge.

Q Did you have anything to do with the labor allocation in the tunnel?

A Often, regularly, daily.

Q Was the labor allocation office in the tunnel also composed of prisoners exclusively?

A No, I saw quite a few civilians there.

Q And who was in charge of this labor allocation in the tunnel?

A Myself, I only had to do with one end of the labor allocation

office.

Q Did you know a second lieutenant of the SS named Kurz in Lora?

A That name is not unknown to me.

Q Is it not a fact that he was the labor allocation leader?

A I don't know.

Q And is it not a fact that the camp commandant, Obersturmbannführer Roesener himself took care of the labor allocation until this man Kurz arrived?

A I don't know.

Q Was the name of the SS First Lieutenant well familiar to you in Lora?

A I don't know. I don't know any more--I can't say.

Q Did he deliberately send intelligent prisoners to hard labor?

A I can't say that. One must realize what the camp was like. I don't know any more. I want to tell the Court that a boy who said that he was not an intellect and he said he didn't have any specialty, he was thus assigned to earth works or the hardest jobs.

Q Assigned by whom?

(EMT - FCNS)

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A This question could be a very complicated one to answer. It could take hours, but I will try to be brief. When I knew transportation we knew that so many men were needed for such and such details. They were placed on the roll call square. The man of the labor statistics office came on the roll call square and asked for the specialists, the ones who specialized in metal work, and they were sent to the various details haphazardly, and when they didn't turn out all right, they were then transferred to other details.

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On direct examination you stated that for at least six or seven months work was done every Sunday in Nora?

A Yes.

Q Does that apply only to the time what you were in Nora, or did it also apply to the time prior to that?

A That applies from the time of the founding of the camp in September 1943 or in June 1943, I don't know, until about May or June 1944 when the camp was pretty well organized, because from that time on the people came out of the tunnel in order to go and sleep in a block outside.

Q And you arrived in Nora in March 1944, is that right?

A Yes.

Q So that you know that only from hearsay, what you testified to the time before March?

A From hundreds of witnesses.

Q Isn't it a fact that the prisoners in the labor statistics office would receive presents from Simon at holidays such as Easter or Pentecost?

A Yes, that is possible. I saw the capo who brought in quite a few things from time to time. Where they came from I don't know, but as a Frenchman I never received anything.

Q By that are you trying to say that the Frenchmen were treated worse than the others?

A There was a very clear difference between the German nationals and the foreigners.

Q What nationalities worked in the labor statistics office?

A Specially Germans. Two Frenchmen, two Russians and I think one or two Poles. And later, towards the end, at the time of my arrest, I saw two or three Belgians there and one or two, did I say it, Czechs.

Q What was the nationality of the capo Szymcak?

A Political German national.

Q Was there a capo named Thomas in the labor statistics office also?

A I only knew him as capo of the grounds.

Q While you were in Dora, did you know a French prisoner named Bagland?

A Yes, I knew Bagland very well, but never in the labor statistics office. But at the tunnel where he was employed.

Q This prisoner was sick of pneumonia before he was put to work in the tunnel, isn't that so?

A That I don't know at all; I knew that he was at the tunnel, that he came out of the tunnel, and that he went back in the tunnel.

Q Did you never hear that he was working in the drafting office in the tunnel?

A Not only I heard it said, but I also checked him every morning.

Q Did he not tell you that he was put to this light work by Simon, personally?

A Could I ask the president the following question? This man is at the present time very much discussed in France and, as a matter of fact, he is being prosecuted, and I would not like to say anything abouthim.

Q I did not know that; I am through with that line of questioning.

A And I would like to add, to the President, that it is because of his conduct at Dora.

PRESIDENT: The witness will not be required to answer the question.

Q What names of engineers or erectors in the tunnel did you know while you were in Dora?

A Me? But I feel that I am completely unable to get out of that, and I have one present in my mind who has been discussed since about three

weeks at the Rastadt tribunal. And I want to add that most of the details had the name of that engineer. He can give me some names and I will say yes or no, whether I have them in my mind or not.

Q Do you know the name of this man whom you just mentioned in connection with Rastadt?

A It is an intimate friend of Sander, Bergfeldt.

Q Was he a director or an engineer in the tunnel?

A Everybody has so many titles of chief, director, engineer, that I couldn't tell the court exactly. I think that he was an engineer, as much as I can remember.

Q Did you hear the name of a director named Kettler?

A No.

Q Did you know that the camp commandant, Foerschner, was at the same time the business manager of the firm in the tunnel?

A I know that he was the chief supervisor of the tunnel. I know that orders came from him, but I do not know what his functions were.

Q You named the name of Sawitzki, and you also named the name of the accused Rickhey. What were the relations between Sawitzki and Rickhey?

A I don't know.

Q What was the firm that was running the factory in the tunnel?

A There were very many firms who worked in the tunnel but all we knew is that when a prisoner was sent to the tunnel they just said he is going to Sawitzki.

Q Did you never hear the name Mittel Werke?

A Every day.

Q What was Sawitzki's connections to Mittel Werke, if you know?

A I do not know, because we are now entering a high administrative sphere in which I never worked.

Q Did you ever hear of what Rickhey's connection to Mittel Werke was?

(Vivin - cross)

A I heard that name as being one of the big directors.

Q Was Rickhey a civilian or was he a member of the SS?

A I think I saw him many times in civilian clothes.

Q When did you first see him?

A That I don't know.

Q You said that you saw him in the course of an inspection Kammler. When did that inspection take place?

A I want to point out to the court that I was told it was Kammler. I don't know Kammler. I saw some signatures by Kammler. So what is the question?

Q When was that inspection of Kammler, at which time you saw Rickhey also?

A May be June, maybe July, maybe August, maybe September; it is very difficult for me to say. I don't know exactly.

Q About the summer of 1944, though; is that right?

A Yes.

Q You just said that you saw Kammler's signature, do you still recall at the bottom of what kind of documents you could see that signature?

A Yes, it was tied to the Kammler action, it had to do with seven or eight inmates, but to say exactly what it was, I do not know any more.

Q On direct examination you stated that Pawitzki and Sander had every authority to hang everybody whenever and wherever they pleased?

A I know that from the management of the labor statistics office, who told me that several times. And I know that from the bunker, where Sander hanged numereus people, any body, at any time, even the most innocent people in the world.

Q Were you told that Kawitski had this authority from Kammler or from Himmler?

A At that time the words"Berlin" and"Himmler" were said.

Q Was there anything else said about other authority of Kawitski?

A The question is too vague so that I can't answer it.

Q Was anything said about Kawitski having particular authority, or concerning the work and the assignment of prisoners?

A Those are a thousand details into which I never entered and I can't answer that question. I never took particular interest in those things.

Q Besides this inspection of Kammler's in the labor statistics office, where else did you see Rickhey in Dora?

A In other places. Out in the camp; going through the camp.

Q Do you know the business he had in camp?

A I imagine inspection.

Q Was he by himself on such occasions or was he accompanied by Foerschner or others?

A He was accompanied by some officers and some civilians.

Q Did you see him in the tunnel too?

A No, because one could not go near the office of the directors and I couldn't go there.

Q By that are you trying to say that he had his office in the tunnel?

A Who?

Q Rickhey?

A But certainly the offices of the big directors were in the tunnel, but I know that at the exit of the tunnel,on the other side there were some large offices where some civilians were employed, and there were all sorts of things there.

Q But you do not know for sure whether Rickhey actually had his

office in the tunnel, do you?

A I cannot say that.

Q What kind of documents bearing the signature of Rickhey did you see?

A That is very difficult for me to say exactly. I saw so many strength reports, work reports, and so on that I cannot say exactly. I want to tell the President that after sixteen months in the camp, and I am still suffering, that I cannot remember exactly, and I am sick and I cannot tell exactly any more. And I cannot give precisions on those things.

PRESIDENT: The witness will answer questions put to him to the best of his ability. The court will make its interpretation of the answers.

Q Upon a question of the prosecutor did you not give an example of a so-called order of the accused Rickhey? This morning, it was?

A Yes, it might have been a question of suppressing the rest on Sunday, or something about work. I don't remember.

Q But do you remember Rickhey giving any order--I want to emphasize the word order--to the camp, and that you saw such an order signed by Rickhey?

A But everything which arrived at the labor statistics office were orders. I never saw either an advice or a request.

Q I would like to ask you to strain your memory a bit, if you can. Do you remember seeing anything in the form of an order signed by Rickhey?

A If it was not an order it was a general directive, but in any case it was signed by Rickhey and it came from the administration of the camp.

Q By that are you trying to say that Rickhey could give certain directives to the camp?

A As director; I am sure of it.

Q Did the directorate of the factory have any authority to issue a

directive to the prisoners' camp" If you know.

A But I have the impression that the SS were there just to transmit the orders given out by the directors and the engineers to the prisoners, and that is what made the V-1 and V-2 enterprise keep on going.

Q You are just talking about your personal impression now; is that right?

That impression was general.

Yesterday on direct examination you said the following, if I understood you correctly and if I got it down correctly: "Rickhey had the greatest of responsibility for all the dead bodies and death cases in Dora." Did I understand you correctly"

A Yes, and it seems to me that in all things the chiefs must assume the responsibility and support it.

Q And again, if my notes are correct, did you not add the following: "It should be noted that the men had to work in a tunnel for six or seven months without ever leaving it once."

A Yes, this I said on my honor. Of all the prisoners, only about five per cent of the living got out. Then we slept right on the ground. Later they arranged some kind of boxes, but we never went out. We inside the tunnel, but we all stayed there.

Q So if I understand you correctly, by these six months you meant the time until the prisoners lived outside in the blocks, that is to say about April 1944?

A That is correct.

Q So the reason that you want Rickhey to appear as a mean culprit is because of this time, April 1944?

A I make all the principal chiefs responsible for having those unfortunates sleep on the ground in the filth without any hygiene.

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Q And again, if my notes are correct, did you not add the following: "It should be noted that the men had to work in a tunnel for six or seven months without ever leaving it once."

A Yes, this I add on my honor. Of all the prisoners, only about five per cent of the living got out. Then we slept right on the ground. Later they arranged some kind of boxes, but we never went out. We inside the tunnel, but we all stayed there.

Q So if I understand you correctly, by these six months you meant the time until the prisoners lived outside in the blocks, that is to say about April 1944?

A That is correct.

So the reason that you want Bickhey to appear as a mean culprit is because of this time, April 1944?

A I make all the principal chiefs responsible for having those unfortunates sleep on the ground in the filth without any hygiene.

Q And among these principal chiefs you include Rickney, is that right?

A For as much authority that he had.

Q So you consider it as possible to arrive at this without saying that Rickney was in Dora on actual work as early as April '44?

A That I don't know. I heard about Rickney when I arrived at the labor statistics office during the month of May.

Q Did you assume--and did you automatically assume that Rickney was present at Dora before May '44 when you made this accusation on direct examination?

PROSECUTION: I pray the court's judgment. He said he only heard of Rickney in May of '44. I pray the court's judgment on the question. It is a hypothetical, theoretical question.

DR. AHLEMS: I think that point is a very material one. The witness makes certain accusations in the case of a certain time, and I have the right to bring out what that time is.

PRESIDENT: The objection is overruled.

INTERPRETER: What is the question?

(Thereupon the reporter read the last question, "Did you assume--and did you automatically assume that Rickney was present at Dora before May '44 when you made this accusation on direct examination?")

THE WITNESS: Well, he was one of the big directors, and I think that a large factory is not put up without a big director.

CROSS EXAMINATION BY DR. AHLEMS:

Q Will you please answer my question exactly? When you made this accusation yesterday on direct examination, did you automatically assume that Rickney was present in Dora before May '44?

A I didn't assume anything. I simply said that I know Rickney and that he had been a director in the tunnel at Dora, and my answer and deposition stopped there.

Q But if you made this charge in connection with Rickney, those men

had to sleep and live under ground for six months, then you had to assume in order to make an accusation that Rickney was there firm, that period of six months, did you not.

A I make this charge against the whole administration and against all the responsibles of Dora.

Q Would you also make this accusation against Rickney if he had not been present in Dora prior to 1944?

A But if he had not been there I would not render him responsible.

DR. AMELIES: No further questions.

DR. REMER: Cross examination on behalf of the accused Andrus and Malmsta.

QUESTIONS BY DR. REMER:

Q Professor, you said that you had 300 packages from home sent to you, and that you received only 9 of them, is that right?

A Yes.

Q Is this figure 300 applicable to the 14 months you spent in Dora?

A Exactly, from the time that I sent my first card and when I arrived on the 15th of March 1944 until the end.

Q So that was an average of 20 packages a month, is that right?

A And I want to add that if I state that figure, it is because my family has all the receipts at home. And I want to add that I am not talking about all the packages that were sent to me by my pupils and my colleagues.

Q You mentioned three or four thousand Red Cross parcels that arrived in Dora. What period of time are you now talking about?

A Well, that could have been June, July, August, September, or October, I cannot say that exactly now, but it was during the summer of 1944.

Q How do you know that three or four thousand packages allegedly arrived in Dora at that time?

A Because I knew the German prisoner who was detailed to go and burn the wrappings. And I know that by some comrades who were employed at the mail room.

Q Do you remember the name of the German prisoner?

A The first name.

Q What was that?

A Alfred.

Q Did that prisoner work in the mail room, too?

A No, at the camp detail.

Q Do you know the names of the prisoners who worked in the mail room?

A No.

Q In connection with the disinfection building, is it not a fact that the man who beat you was considerably taller and of a considerably stronger build than the accused Andrae?

A I said yesterday that I could not state anything for certain as far as Andrae is concerned.

Q So it might have been another one, is that right?

A But one would look very much like him.

Q What was the date that you remember for the time when Valenta changed his triangle from a Czech one to a German one?

A That took place during my arrest at the Dora bunker between 4 November '44 until 4 April '45.

Q What was the first time you saw Valenta in Dora?

A That could have been the day of my arrest or it could have been one month later, or it could have been two months later--I don't know. I say the day of my arrival at Dora. In any case I saw him daily during my incarceration at the bunker.

Q Did you ever see him before you were arrested in the bunker?

A I think so. Yes, I have a vague idea, but I can't say exactly.

Q What kind of work was Valenta doing in camp before he was sent to the bunker?

A I don't know.

Q And in the bunker you were in cell 8?

A I changed cells three times.

Q Were you in cell 11 also?

A I think also.

Q And in what cell were you together with Caspiva?

A I don't know any more.

Q During what period of time were you together in the same cell with Caspiva?

A I was with him at the civilian jail of Nordhausen, and I found myself with him again at the bunker, but a very short time at the bunker.

Q Were you together with Caspiva during the time when the break of the Russians occurred?

A I think that, Yes.

Q And you been dismissed from that cell after the Russians made the break?

A That is to say that everybody was taken out; everybody was beaten something terrific, but I went back into the same cell. What I mean is immediately after the break of the Russians.

Q What do you mean "immediately afterwards"? What time or day did this break occur?

A Between 7 and 7:15 in the evening.

Q Were you taken out of your cell that same evening?

A Yes.

Q At what time?

A Oh, maybe 10 o'clock, 11 o'clock, half past 11, midnight, 1 o'clock in the morning--I don't know.

Q And the dead bodies were still around, were they?

A The bodies had been thrown outside in the yards, but I saw the blood, I saw the manner in which they had been beaten and I saw many killed.

Q Did you see the prisoners being killed?

A Yes, because they ran into the first yard, the first enclosure of the bunker, and I was able to see it through the window. Yes, but I wanted to add that Alanta was wounded by a Russian when he attacked him and he wore a bandage, also the SS Gustaf.

Q Who told you about the details of that break?

A But I lived through them.

Q Weren't you in the cell at the time of this break?

A Naturally.

Q And could you see the break those Russians made through that cell?

A Because part of it took place in the yards and the window gave out in the yards. And I want to add that all the details were told to us by the two fellows who passed out the soup.

Q And did the break of the Russian take place in a garden or in the inside of the building?

A They had started by beating against the door and pulling out the hinges from the wall, and with that board they knocked out the SS Gustaf who had just opened the door to see what was going on. The SS Gustaf was not dead, and he was able to pull out his revolver and give out a warning shot. All the other SS who were eating in the basement came up as well as Kalanta, Jabbo, Kilian, and it was a general killing. A few managed to escape into the yards where the slaughter continued. Four arrived right into the camp, were brought back and killed in the halls of the bunker.

Q And all of that you saw yourself?

A Yes.

PRESIDENT: The court will recess until 1330.

(Thereupon the court recessed at 1155 hours.)

* * *

Professor my last question that [illegible] you [illegible]

6A-pld-1 to whether you saw all of this yourself you answered by, "Yes.". I still now ask you whether you observed all of this from cell 15?

A I said already that was in three or four different cells and I cannot say the number of it anymore.

(Thereupon the court recessed.)

[illegible] the prisoner Cospiva

PRESIDENT: The court will come to order.

TRIAL COUNSEL: Let the record show that all members of the court are present; all of the accused are present; the reporter and interpreters are present; the prosecution and defense are represented by counsel.

At the end of the last session the witness Birim was under cross examination.

PRESIDENT: The witness is reminded that he is still under oath.

[illegible] Abdul Jalil, called as a witness by the prosecution, being duly reminded that he was still under oath, resumed the stand and testified further through the interpreter as follows:

[illegible], continued

[illegible] BY [illegible]:

Q Professor my last question that was [illegible] before the recess was whether you saw all of this yourself you answered by, "Yes.". I still now ask you whether you observed all of this from cell 15?

A I said already that was in three or four different cells and I cannot say the number of it anymore.

Q Was the prisoner Cospiva also in the same cell at that time?

A As much as I can remember, yes.

Q And there were about 20 more men in that cell?

A I think we were 23 or 26.

Q And did you see Talenta immediately after this incident?

A During the incident.

Q And did you see Talenta being hit on the head with a board in the hands of one of the Russians who was breaking out?

A I saw that he had been bandaged, that he had been wounded when he came back afterwards.

(Birim-cross)

Q Did you happen to know who bandaged Valenta?

A Probably the dispensary or the medics of the bunker. I do not know.

Q Did the prisoner Cespiva not tell you that it was he who had bandaged Valenta?

A I couldn't get in touch with Cespiva at that time because they had put us in different cells.

Q When did Valenta tell you that he supposedly beat four or five Russians to death?

A The same evening when we were beaten.

Q It is not a fact then that Valenta was lying in bed that evening?

A I never said, as far as I am concerned, that he was on his bed. I said that he came the same evening and that he had been bandaged.

Q You told us that prisoners were shot, as that the same evening?

A It was in the evening or in the morning in any case right after the incident because about 20 were taken as hostages. They were exposed during four or five hours lying on the ground in front of the bunker their faces towards the ground.

Q Did you see who shot these people?

A No, because at the time they were shot Kilian closed the shutters of our cell.

Q Were only the cells, only the doors to the cells barred or were the shutters also closed?

A At the time of that shooting the shutters were closed and they were also closed during hangings at the time when the unfortunates who were to be hanged passed in front of our cell. But I must add that there was a crack in the shutter of my cell which was about three fingers wide and I can swear before God that I saw my unfortunate comrades pass in front of the cell to be hanged.

Q What was the nationality of the men who had to die?

A Mostly Russians.

Q Was there Frenchmen among them too?

A I don't know.

Q If you were shown a map of the bunker in Korea do you think you could locate the cell you were in for us?

PROSECUTION: He said repeatedly, may it please the court, he switched from cell to cell. He doesn't know which cell he was in that night. I pray the court's judgement.

PRESIDENT: The objection is overruled.

THE WITNESS: That I don't know. I was in three or four. Maybe yes, maybe no.

Q I mean the cell that evening when the break of the Russians took place?

A Let the plan be shown to me anyway.

DOCTOR KUNZEL: Let the record show that we are referring to Exhibit P-51. This is a plan which the prosecution has submitted to the court and which is supposed to represent a plan of the bunker in Korea.

Can you show us the cell in which you spent the evening, on the evening in which the break of the Russians took place?

A More than probably cell number nine.

Q Where was the cell where the break of the Russians took place?

A Along here. (Indicating)

Q DOCTOR KUNZEL: Let the record show the witness is pointing to that set of cells which are located in the same side of the corridor but on the opposite wing.

A I want to point out that at the time of the revolt in the bunker here there were no closed doors and there there was no closing either. There were only a few SS mounting guard there while the other ones were eating below. The slaughter took place in all this part here. There some unfortunates ran away. (Indicating) I saw one part. I don't know exactly which part was around here, but I saw the yards. I am speaking about the

yard of the bunker and on the other hand I want to add that I was also in some cells here and I could see the hangings on the roll call square.

Q Do you mean the roll call square outside the bunker or do you mean the big roll call square?

A There was no roll call square at the bunker.

Q You did mean the general roll call square then?

A Yes. The bodies were there in the yard of the bunker. There were about 20 of them and they were lying there and I could see them.

DOCTOR BIRNBAUM: I have no further questions.

QUESTIONS BY DEFENSE COUNSEL:

Q Brother Birin, can you tell us approximately, as close as you can remember, the total number of hangings? Not the total number of men who were hanged, but the total separate number of hangings that you saw?

A Counting the one of the Holsheff which I knew about because I was working at the Labor Statistics Office when the hangins of the tunnel on the electrical crane are included, when the ones of the bunker are included and when the ones of the roll call square are included I can truly say that that must be tens and tens of times.

Q Now these hangins on the roll call square, Brother Birin, can you tell us approximately at what time they took place?

A In a general way after roll call.

Q I refer to the time of the year--month?

A I saw the first one exactly on Easter Day in 1944 and I don't think a single week went by during my whole stay at Dora when hangings did not take place, individual or massive hangins.

Q Now this hanging I believe you said of the approximately 58 Russians which took place in the roll call square. When did you see that?

A If my memory is true to me it must have taken place on the 8th 9th or 10th or the 11th of March, 1945. The 10th, 11th or 12th after the revolt at the bunker. In any case it was in the month of March.

Q Brother Birin, the hangings that you saw in the tunnels when was that approximately?

A The hangings that saw in the tunnel at the butcher hook?

Q This tunnel, this hanging which supposedly took place in the electric crane?

A It could have been June, it could have been July, it could have been August. I saw it three or four different times.

Q That was 1944 was it not?

A '44, yes.

Q Now the hangings which you saw in the bunker Brother Birin, what days were those approximately?

A Well I am telling to you about a period beginning in February, March, April, '45.

Q Now is it very clear in your memory, Frere Birin as to which hangings Kilian officiated and at which hangins Zwiener officiated?

A I state that as fares the hangings of easter '44 are concerned it was Zwiener, Kilii who officiated.

Q Were these Easter Hangings on the roll call square or in the bunker?

A On the roll call square. In any case shortly afterwards he left the Dora Camp to go to Ellrich or Harzungen and from that time on all the hangings without any exception which I saw were performed by Kilian.

Q This hanging which you were quite certain Zwiener performed was that a mass hanging or an individual single hanging?

Q This hanging which you are quite certain that Wiener performed, was that a mass hanging or an individual, single, hanging?

A If my memory is true, there were about 5 or 10. I can't say for sure, but there were at least 5.

Q Were they hung one at a time or were they all hung in a group on a gallows similar to that model (indicating), and I am referring to Prosecution's Exhibit P-24?

A Exactly like that, but it wasn't exactly similar at the bottom; there was a bench.

Q Now, are you absolutely certain in your mind that at that time you saw Wiener hit any prisoners with a foot stool?

A Yes, I say that for sure.

Q And at a later date you also saw Kilian hit someone with a foot stool, is that right?

A Kilian did it "X" number of times.

Q Was there any time, Father Birin, Kilian and Wiener acted as hangmen together?

A No, because Wiener had left the camp at that time and Kilian was the only official hangman.

Q Were you present at a hanging in which the Capo Szymoak refused to act as hangman?

A No, because that took place 15 days before my arrival, and that is why when I arrived he was no longer camp eldest; and then that is why Wiener, Willi, became the camp eldest. But that was told to me in a positive manner by hundreds of my inmate comrades.

Q And did these comrades tell you that at that time Peter Bohrauer had volunteered in the place of Szymoak to perform these hangings?

A I heard that there had been one volunteer, but I do not know his name.

Q You stated in direct examination that Kilian had volunteered to perform hangings. How do you know that he volunteered?

A It is the Capo Szymczak who told me that at the labor statistics office while I had to change his card and mark on it "transferred to the service of the SS."

Q Did Szymczak tell you that Killian had volunteered for this work?

A Yes. In any case, nobody could force him to do it. The best proof is that the two men before refused and were not hanged for it.

Q Did you not testify, Father Pirin, that these two men were disgraced as far as the SS were concerned in the camp and were eventually killed before the evacuation?

A Yes, I said that they had fallen in disgrace with the SS, but they continued to work in the camp, and I don't know why they were arrested. They were arrested two months only before the evacuation of the camp. They were shot down with six German political inmates by Sanders with a revolver the day before the evacuation of the camp.

Q Now, Father Pirin, this hanging which you saw in the wood yard -- who performed that hanging?

A Killian.

Q And who was the doctor who was present at that execution?

A That I cannot say. I know that ordinarily two or three civilians from the barrel were there, and some SS.

Q Did you know the one or more SS doctors who were in the camp?

A Yes, I knew in the camp Dr. Kahr.

Q And did you ever see him present at any of those hangings that you witnessed?

A No, I don't remember.

Q Now, you testified on direct examination that, when you were describing these hangings, several doctors from the hospital and inmates from the hospital came and kicked the prisoners and then carted them away. Who were they and who were the doctors about whom you were speaking in that case?

A No -- and I want to say this right away -- I certainly must have

(PIRIN-Cross)

been badly translated. I want to say that I saw some SS and Kilian and company kick some bodies, and, after the hanging, some bodies came, accompanied by some inmate doctors -- one or two of them -- in order to have the bodies taken away.

Q Well, that was the testimony to which I had reference, and my question was: Who were these doctors, do you know?

A I don't know any more. I know that there was some German doctor who poisoned himself. He was a political inmate with a red triangle, rather young, about 30 years old. If his name were given to me, I may remember it.

Q How long did these prisoners hang before they were taken down?

A In a general way, until they did not move any more.

Q From your cell or cells which you occupied in the bunker, could you see the roll call square?

A Yes, from the cells which gave out on the roll square, and we could see even better before they had installed a football field, and there was a big net there, but you could still see through the net.

Q And you could also see the yard in the bunker, is that correct?

A When I was on the other side in the cell -- because I was on both sides of the bunker; I was sometime on the side of the bunker which faced the yard and sometimes I was on the side of the bunker which faced the roll call square.

Q Now, when you were in the cell which had the small opening of three fingers in the blinds, was that cell facing the roll call square or the bunker yard?

A The one which had the widest crack -- because I want to point out that very few shutters closed well -- the one which had the largest crack faced the yard of the bunker.

Q This crack in the blind -- did that blind close off the hallway or was this on the window that looked outside?

A No, the doors led out into the halls and the windows on the outside.

(DIRIN-Cross)

Q Could you see out of the window as well when the blinds were closed?

A No.

Q Now, when this hanging took place in the bunker, were you in the same cell with Cespiva, do you recall?

A Which hanging? So many of them took place.

Q The one in the bunker.

A I saw several hangings in the bunker.

Q Were you ever in a cell with Cespiva when a hanging was taking place in the bunker?

A I don't know that, but I know that hangings took place that day.

Q Is it not a fact that whenever a hanging took place in the bunker, Kilian or someone came and closed the blinds?

A Not always.

Q And on the occasion on which you saw the hanging in the bunker the blinds were not closed, is that right?

A I am talking to you about individual hangings.

Q And when the hanging took place in the roll call square, this mass hanging, after the revolt in the bunker, you were locked up in your cell, isn't that so?

A Yes, and that is just when I was just in that cell which had the large crack, that I saw my 58 comrades -- and I could give even some of their names, such as Simon, et cetera -- and I saw them pass by with the piece of wood in their mouths.

Q And then, after that, did you see the actual hanging take place?

A I couldn't see it because I was on the other side of the bunker.

Q Didn't you testify that you saw that hanging out of the window?

A I saw some.

Q Well, I am speaking of this mass hanging now -- the hanging which occurred on the 12th of March 1945.

A There was not only one; there were several mass hangings.

Q On that date? On the 12th of March?

A No, before.

Q Well, now, this hanging that took place on the 12th of March -- did you see that from the window of your cell?

A I said already that I saw the comrades pass by, but I did not see them on the roll call square. And I can name hundreds of comrades who told me about the affair since then.

Q Did you not testify that you saw Kilian perform this hanging?

A Of course, because it was he who led the people under my window towards the roll call square.

Q You did not see him actually do the hanging then, did you?

A No, but hundreds of comrades have stated so; and, in any case, it could not have been anybody else, because him alone remained the official hangman until the end, until the evacuation. And, because they were afraid that the comrades would kill him during the evacuation, they had given him and him alone a large revolver.

Q Did you not also testify that on this occasion you saw him kill one of the prisoners who had been hanged, with a foot stool?

A I speak of before my arrest.

Q Then you did not see him at this mass hanging kill anyone with a foot stool, is that right?

A I never said that that took place during a mass hanging. I said that I saw him do that during some hangings, several times.

Q Now, Father Pirin, isn't it a fact that a classification of workers as to what their skills and what there jobs were to be was all done in Buchenwald before they arrived in Dora?

A That was maybe done in Buchenwald, but in Dora we never paid attention to it, and everything was done over again from A to Z at the labor statistics office, where the individual received his own cards -- name, first name, occupation, et cetera.

(PIRIN-Cross)

Q And it was in that office, then, where it was determined what type of work certain men would be doing, is that right?

A No, that card was transmitted to the labor statistics office and the labor statistics office determined the type of work.

Q Who was your superior officer in the Arbeit Statistics?

A The SS officer, you are talking about?

Q Yes.

A I only knew the Arbeitsdienst Fuehrer Simon and Bach. Nevertheless, we received here notes signed by Woeser, Foerschner, et cetera. Simon and Bach were only the underlings of the same officers Foerschner and Woeser.

Q Now, you in the labor statistics could actually control who would be assigned to certain jobs, isn't that so?

A Yes, according to the occupations which were indicated and according to the needs of the details.

Q But, as a practical matter, from day to day you could send certain people to certain jobs, could you not?

A Daily.

Q In that way you were able to, for example, send everything except specialists to the tunnels when they were requested, as you testified?

A No, that is not the way. Could I be asked the question again?

Q You testified that you received from the work allocation office in the tunnels requests for certain specialists and that on many occasions you made it your business to send them just the opposite -- everything except specialists.

A That is correct, we sent especially people who were not specialists -- especially people who were not specialists. All that depended on the amount of goldbricking which could be done.

And isn't it also a fact that you assigned a large number of your comrades to soft jobs?

A I let my comrades testify in my favor on that subject. I do not want to talk about myself. I want to tell the President, but I don't want that the phrase be translated into German, that is why my comrades made a demand in my favor and that is why I am wearing the Legion of Honor.

PRESIDENT: Everything that is said in this court—this is an open court and everything that is said in it to the court is translated to the accused.

LT. JONES: If the court please, the prosecution objects to the question. The defense is going over cross examination that was done by Dr. Aheimer and it is cross examination upon a cross examination, therefore I should like now to object.

DEFENSE COUNSEL: Is Prosecution's motion to strike or is it an objection to the question?

LT. JONES: Objection to the question.

DEFENSE COUNSEL: The question has been answered.

PRESIDENT: The question has been answered and translated into both French and German. What is the basis of your objection?

LT. JONES: That the defense continuously is making a cross examination upon a cross examination. Dr. Aheimer brought out the fact through this witness that the people who were specialists were not sent.

PRESIDENT: I get the drift and I can answer it this way. If specific questions arise to which you wish to object, make your objection at that time; the court does not make rulings in regard to complete lines of questions. Proceed.

QUESTIONS BY DEFENSE COUNSEL (continued)

Q It is also a fact, is it not, that other prisoners who were in a similar position to you, who were in a position to assist their comrades, did so. I would give you an example: Isn't it a fact that certain

doctors who were in position to give rest slips to their friends or their comrades did so, even when these people were not really sick?

That is true, but it must not be said that those prisoners were not sick, they had to show some sign of sickness, because there were some controls and they could be caught.

Q But it is a fact, is it not, Rev. Pirin, to your knowledge that certain prisoners who were well enough to work were given these rest slips by doctors who were trying to aid their comrades?

A But there we are talking about a funny question which has to do with friendship, which was not between nationals.

Q By that I take it that you mean, Rev. Pirin, is it not true, that prisoners of one nationality would help prisoners of their own nationality; is that right?

A Especially.

Q And it did happen, did it not, to your knowledge, Rev. Pirin, some times some of these prisoners who were receiving these special favors would be caught? For example, they would discover that some of them had received these rest slips when they were really not entitled to them and then they were taken away from them. Is that true, to your knowledge?

A Yes, that is correct and especially a punishment detail, and especially the Steinbrook commando.

Q You made the statement that some times these sports, these punitive sports which the SS made you do, lasted as long as 24 hours. Is that your testimony?

A I saw, personally, a roll call which lasted 24 hours.

PRESIDENT: Did he say he saw it, or he participated in it?

INTERPRETER CONRAD: He participated in it.

A I saw it and I was myself part of a rollcall which lasted 24 hours.

Q And durin those entire 24 hours were you doing sports?

A No, during those 24 hours we remained standing.

Q You made a statement on your direct testimony, Father Birin, with regard to an explanation which Brinkmann had supposedly made in the labor statistics office and when the American planes had gone over head that he had said,"If things go wrong, all of us will be killed." Do you recall that?

A That is correct.

Q Now isn't it a fact that that statement was made by another master sergeant named Pruss, and that this master sergeant was punished by Wecker for having made that statement?

A I don't know.

Q Are you certain it was Brinkmann,or could it have been Pruss?

A For as much as I state, I state it was Brinkmann.

Q Now you were the chief of the resistence movement in this camp, were you not?

A Take it easy. We did not call it resistence in the camp. In that camp no resistence took place.

Q Well this association for mutual protection that you had in the camp, you were the chief of it, were you not?

A Yes.

Q And you instituted this system of one man knows three and each one of those three knows another three?

A Yes, on the French side and on the Belgian side and also with Nikolaus and Petrenko on the Russian side.

Q You also had your own system of radio receiver and sender, did you not?

A I think.

Q And where were the parts obtained for the construction of this radio?

Because the foremen had their radios repaired by the prisoners at the tunnel and they tried to make the repairs last as long as possible.

(Irvin - cross)

DEFENSE COUNSEL: If the court please, I realize it is time for recess. However, I understand we are under great pressure of time here to try to finish this afternoon, and could I possibly request that we not recess at this time and if we finish earlier with these witnesses we adjourn at that time?

PRESIDENT: The court will recess for fifteen minutes now.

(The court recessed at 1445 hours.)

(The court reconvened at 1500 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present, the prosecution and the defense are represented by counsel, all the accused are present, the reporter and the interpreters are present and at the end of the last session the witness, Father Birin, was being cross examined.

FR. ALBERT BIRIN, called as a witness by the prosecution, having been previously sworn, resumed the stand and testified further thourgh an interpreter as follows:

CROSS EXAMINATION (continued)

QUESTIONS BY DEFENSE COUNSEL:

Q You were telling us at the end of the last session about this organization for mutual protection. I just asked you whether you operated a radio, a sender and a receiver. You said "I think so." Now you also made the statement that many prisoners who were not members of this resistence had been hanged; is that correct?

A Yes.

Q Since you had this system of each man only knowing three others, how could you know that these people who were hanged were not members, since you only knew three people?

A Those were some comrades with whom I was in a cell and who told me on their honor that they were not members, and I don't doubt that, because they were rather doubtful and they were turned in by some other

comrades in order to save the ones who were members of the mutual protection movement. And I want to add the following just as an explanation because as far as I am concerned, I don't think this could be considered cowardice and myself, I hoped at times to be dead while I was in the cell and the reason that I was glad that I did not die, is because I was afraid that these comrades would tell my other comrades that I had spoken.

Q Now it was a fundamental rule of your system, was it not, that once you became a member you were not supposed to confide to anyone else that you were a member, except to the other two people whom you knew; is that so?

A Yes, we only knew each other, three at a time. No more than that.

Q So therefore it is quite possible that these men may have denied to you being members of the organization and yet, nevertheless, they might have been; is that so?

A No; at the bunker there were no lies. We were too near death and there was too much misery there.

Q Did you not fear that these prisoners might have been planted there by the gestapo in order to get you to admit that you were a member of this organization?

A No.

Q Now you testified, Father Birin, that you gave as the minimum number of hangings which you had seen, a total of 250; is that correct? By that I mean 250 individuals, prisoners?

A I said that I had seen tens and tens of hangings; that is what I said. Unless the question is not very clear. Do you want to know the number?

Q I may have misunderstood, but it was my impression that you testified that the minimum number of individuals who were hanged, to your knowledge, was 250.

A The people who were hanged at Dora I estimate there were over five hundred.

Q There has been testimony before this court, Father Birin, that the total number of hangings at Dora, including the hangings in the tunnel, was a much smaller figure. Could you be mistaken in the figure that you are giving?

A I don't think it was possible that I am making a mistake. One should know who gave these figures. If they were given by some poor prisoner lost in the crowd who was busy at his work all day. I saw all the hangings from the wood work place and I had the control at the labor statistics office and that is why I can be strong on that point.

Q Are you as certain on that point, Father Birin, as you are on your identifications that you have made of these prisoners that you saw beat?

A I do not understand the question. Such prisoners who were beaten. I saw so many beaten.

Q You did not understand my question. Perhaps I expressed myself clumsily. You have identified certain of the accused as having beaten and my question is: Are you as certain about this number of hangings as you are about your identification of these accused, as having been the men who did these beatings?

A Yes.

Q Are you as certain on this figure, this total number of hangings, as you are about your testimony that you have given about seeing orders signed by Rickhey in the labor statistics office?

A The hanging orders?

Q No, my question is: Are you as certain of your figure, you have given 500 hangings, as you are about your testimony which you have given with regard to seeing papers signed by Rickhey?

A Yes.

Q Do you have an approximate figure you could give us as to the number of prisoners who were in Dora in the first six months of the camp?

A In a general way?

Q Yes.

A It began with 2000. It can be estimated teh to 12,000 men.

Q You made a statement that out of these ten or 12 thousand men, who were in Dora, that in the first six months, I believe you said that under oath, you could certify that only five out of the 100 survived; is that correct?

A Yes.

Q Are you as certain of that figure as you are about the figure of the total number of hangings?

A Yes.

Q That would mean, in effect, then, that in the first six months of Dora, only five per cent of the ten or twelve thousand men survived; is that right?

A Yes.

Q That would mean that the mortality would be a minimum of about eight thousand men in the first six months; is that right?

A Yes.

Q I want to show you Prosecution Exhibit 32 and 33.

What does P-31 and P-33 mean?

A They are the numbers of the exhibits which were given for the purpose of the record.

Q Where do these exhibits come from?

A They were introduced by the Prosecution.

A I want to point out that this cannot be correct, because during the first three months there was no labor statistics and there were no offices or anything, the bodies were brought in trucks and burnt at Buchenwald. Dora had its first crematory during the month of May or June 1944.

Q Have you ever seen these books before, Father Birin?

A These books were never in Dora. The book of Dora was a large book, like this.

Q Testimony which has been given before this court are that in these books for the period which these books covered, were entered by the

clerk in the prisoners' dispensary all the deaths which occureed in Dora for this period.

It must be well understood that there was no dispensary at the beginning, that the dispensary existed only after March 1944. Everything took place in the tunnel.

There has been further testimony that after the period of around May or June, 1944, only Czech prisoners were entered in these books.

That is quite extraordinary, because I wish to state that Dr. Cespiva is asking me for a list which I have.

I should like to point out to you, Father Hivin, that this No.1 item with the date of the 16th of October, 1943 (for the record, I am now pointing to Item No. 1 in Prosecution Exhibit 32)—

A And those who died before, where are they?

And I now show you the last item in this second book, which is dated the 14th of March, 1944—

A Where are those who died in September 1944? And I am only talking about the month os September.

I am only speaking about these entries for the first six months.

A If what is before the month of October is not correct, what proves to me that this is correct? And, furthermore, this book has no official character. I would certainly like to know who the fellow was who risked death in order to make a thing like that out.

I should like to point out this item, No. 2715, being the last item in this book, that is Prosecution Exhibit 33, and it is dated 22 March, 1944.

A I just want to point out, and I swear to that before God, I made out lists and I saw lists of dead for one day which went as much as 120 dead.

Nevertheless, Father Hivin, if these books are correct, in the first six months of Dora only 2715 prisoners died. My question to you is: Are these books correct or are you correct. Which one of you is not tell-

in, the truth.

[illegible] CUTION: I pray th courts judgment on that question. I want a ruling by the court. I think the question is improper in its form and content.

[illegible]: I will reword the question. If the court please, I will reword the question. According to the books which I have shown to Father Lirin, thetotal number of dead for the first six months in Dora was 27[illegible]. According to your estimate, the figure is somewhere around 8,000. How can you reconcile that apparent difference

A Firstly, b the statistics which I had;and, secondly, I must be well understood, I am talkin about the unfortunates who remained there six months. I am not talking about the ones who arrived there right at the beginning.

Then do I understand that you will wish to assert that your estimate that only five out of every 100 people in the first six months of Dora survived. Is that correct

A Who were in the first six months at Dora.

You wish to insist upon that testimony in spite of any evidence contained in those books; is that correct

A For me, that contains no proof. It has no value, and does not have any official character.

And you still insist that your figure of 95 mortality is just as correct as your figur of 50% beginning; is that right

A Yes.

And you still insist that your fiture of 95 mortality is just as correct as the fact that you saw Lichhoy's signature on reports in the labor statistics office; is that correct

A Yes.

And you still insist that your figure of 95 mortality is just as correct as your identification of the accused who beat prisoners when you saw them at that time

(Irvin cross)

A Yes.

DEFENSE COUNSEL: No further questions.

PROSECUTION: We have nothing further from this witness.

PRESIDENT: There are no questions by the court.

PROSECUTION: There are no further questions; may this witness be permanently excused?

PRESIDENT: Does the defense object?

DEFENSE COUNSEL: I thought there would be recross. I will ask my last question now, if I may, before we excuse him.

Q Father Birin, yesterday when you identified the accused, No. 14, you pointed to him and you said,"I know that man but I don't know his name", or "I do not remember his name".

A I said, I do not remember his name.

Q You said, "However, I know that I saw reports signed by him".

A Yes, because I knew him. He had come to the labor statistics office once,or twice. I knew it was him. He was the big director of the tunnel.

Q Can you explain to the court how you can remember having seen reports signed by a name when you don't remember that name?

A Well, I didn't remember the name right at the very moment, but I have some notes which I prepared a long time ago about these gentlemen and I want to tell the court that it certainly creates a terrific impression to be confronted with the ones who tortured you and I think one could lose his memory for an instant.

Q In your opinion, Father Birin, what would have happened to any SS man who permitted a Mass or a religious service to be held in his camp?

A First, I like to tell the court that I don't come here in order to tell about my impressions, or my opinions; I come here to give facts. And, secondly, I was not in the confidence of those gentlemen, I do not know what went on in their kitchen.

DEFENSE COUNSEL: No further questions.

PROSECUTION: Prosecution stands on its previous announcement.

DEFENSE COUNSEL: The defense has no objection to excusing the witness permanently.

PRESIDENT: Does Prosecution desire the witness to be excused permanently?

PROSECUTION: Yes, sir.

PRESIDENT: If there are no questions by the court, the witness may be excused permanently.

WITNESS: Merci.

(Whereupon the witness was excused and withdrew.)

PAUL BARRIL, called as a witness by the prosecution, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY CAPT. YAN

Q What is your full name?

A Barril, Paul.

Q Where do you live?

A In Paris.

Q What is your address?

A 38 Rue Jouffray.

Q What is your occupation?

A Contractor in plumbing and heating.

Q What is your age?

A Forty-six years old.

Q What is your nationality?

A French.

Q Have you ever been in a concentration camp?

A Yes.

Q Which one?

A Buchenwald, Dora, Ellrich.

Q When were you in Ellrich?

A On 6 September 1944.

Q How did you arrive at Ellrich?

A From Buchenwald we were transported to Dora, a few days in Dora and then Ellrich.

Q How many were on this transport?

A We were 150 in the transport from Dora to Ellrich and only 38 of us returned living to Paris, in France. Of whom we are only 34 living at the present time. Now four have died since being repatriated.

Q Do you know whether or not Ellrich was an outcamp of Dora?

A Yes, Ellrich was an outcamp of Dora.

Q During your time at Ellrich, what duties did you perform?

A I was a workman. I worked in the tunnel at the construction of an underground factory.

Q What hours did you work?

A We were wakened up in the morning at half past three. We left for work around five, half past five. We were piled up into cars and from there we went to the tunnels, in which we worked under terribly hard conditions. In the evening, in order to go back to the camp, we had to wait for the train for house, until eleven or even midnight.

Q What food did you receive while working at Ellrich?

A When we arrived in September we received for 24 hours, a soup of one liter, one-third of a b ll (bread); 50-20 gr ms margerine and every two or three days a slice of sausage, like a finger. But this food, which was already insufficient, ecreased until we only received 1/10th of a ball and the margerine and sausage was cut out. We stayed very often without any bread for eight or ten days and that is what caused the death of thousands of my comrades, from physiological misery, because the same work output had to be performed. When we came back from the details those SS gentlemen used to cut off the water so that we could not use it, so that we could not proceed to the most elementary washing. We were covered with lice, because in the Ellrich inferno we only knew a few times a hot shower in order to get rid of those lice.

Q Mr. Barril, during your working hours in the tunnel did you ever receive any drinking water

A Almost never. It had to be stolen in order to drink it.

Q What cloth s did you have while working at Ellrich?

A For cloth s we only had some light clothin, made out of light cloth which was composed of a jacket nd trousers. This by minus 20 or minus 25, without gloves, without a jacket, without anything.

Q While working in the tunnels, did you ever see any dead prisoners?

A Not only dead I see many of them, not to say hundreds and hundreds of them, but they made us bring back on our backs our comrades who were dying or were dead, and they made us place them on a pile and take off their clothes, so that those clothes could be used by others.

DEFENSE COUNSEL: May it please the court, I would like to interrupt just for a moment. Perhaps this witness is here to testify only on general conditions at Ellrich, I do not know, but time is/pressing element this afternoon and if all he is going to testify to is general conditions at Ellrich we are willing to stipulate that this witness

would testify that conditions at Ellrich were similar to those at Dora. But time is getting rather short and we would like to conduct some cross-examination.

PROSECUTION: It is mostly on general conditions, but there are some things as to where these bodies were placed, and then another witness will testify.

PRESIDENT: Prosecution will continue.

Q Where did you place these dead bodies?

A Near the dispensary. On mountains, piled up one on top of the other.

Q Did you ever see any of the prisoners beaten?

A Yes, I saw many of them and each day personally I was beaten and I wear the scars.

Q Who beat you?

A The SS, amongst them one named Ficker, and Ritz. I received three times 25 blows with a rubber hose, and I have the scars from the legs up to here (indicating) and if the court wants to see them I can show them.

Q I ask you to look over in the dock and see if you can recognize any of the men who are sitting in the dock.

A Yes, that one.

Q Go over closer to the dock and show us.

A This one. (Indicating.) That is Brinkmann.

Q Were you ever sick while at Ellrich?

A Yes, I was sick while I was at Ellrich. I was hospitalized in a filthy barracks -- a so-called "Sieirfokcior Barracke" -- barracks of the people who were sick.

CAPTAIN RYAN: I think it is "infectious," "contagious," as he used it.

INTERPRETER GEORGE FOSTER: That is a German term.

Q What sickness did you have?

A Tuberculosis, which I caught while at the service of those gentlemen in the tunnel. They grouped us together -- 150 of us. We were together, the ones who were suffering from typhus, diphtheria, tuberculosis, naked, on straw mattresses, three or four on each small beds which were one on top of the other. The same plate was used by the people who had typhus, diphtheria, tuberculosis; everybody used the same plate. Every day eight or ten corpses, perhaps even more, left that "Infekcion Barracken." Once in a while an SS would go through and without any medical examination would say "You and so, go to work." We learned the same evening or on the next day that such or such a comrade, whatever his nationality, was dead or dying.

Q When did you leave Ellrich?

A On 5 April 1945.

Q How did you leave Ellrich?

A We left by the last evacuation transport from the camp. This took place while the Allied Armies were approaching. We were piled up with the dying in some coal cars, and this often without any clothes, with one blanket. In my car we were 81; in some cars there were up to 115 or 120. After we had arrived at the Moelkel factory in Oranienberg, 31 of us living only were taken down. During that transport four of us only had one bar of bread and one box of sardines during this whole 12 days without water and with just only that food.

Q Did you make any stops while on this transport?

A Very many stops, because we underwent some bombings.

Q Did any people die during the trip?

A Very many.

Q What happened to the dead?

A Several times an SS took out a revolver and fired once into one car. We stopped two or three times, as far as I can remember, and the dead were taken out and put in a common grave alongside the tracks. That is what happened to the dead. But they made us travel a long time with bodies, bodies of our comrades, next to us.

Q When were you finally liberated?

A The Russian Army liberated us at the Oranienberg camp. Out of that transport, two days after our arrival, those who could walk were left on the road -- the SS took them out on the road. Those were liberated by the English or American Armies. While we were about 150 of all different nationalities who were unable to walk, they left us for dead and we were liberated by the Russians.

CAPTAIN RYAN: Your witness.

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q Would you please point to the man in the dock whom you identified

before again?

A This one. (Indicating.)

DEFENSE COUNSEL: Let the record indicate that the witness has designated the accused Ulbricht, number 17, and previously identified him under the name of Prinkmann.

No further questions.

PRESIDENT: Anything further by the prosecution?

PROSECUTION: Nothing further by the prosecution.

PRESIDENT: Colonel Benson.

EXAMINATION BY THE COURT

QUESTIONS BY COLONEL BENSON:

Q Do you know who was the camp commander of Ulrich?

A I think that one (indicating), Prinkmann, and Fitz. He was every morning on the roll call square.

DEFENSE COUNSEL: May the record indicate that he has again indicated the accused Number 17 as the man he is talking about.

Q Do you mean that Number 17 was the camp commander, and Prinkmann?

A We were so much beaten; we were so much lowered. He was there every morning and that is why I say that I think it was him who was the camp commander.

Q Who was in command of the transport when it left?

A I was so weakened, just like the rest of my comrades, that I can not say if it was him, Ficker, or Fitz.

DEFENSE COUNSEL: May the record indicate that the witness has again indicated Number 17.

PROSECUTION: We will concede that the identification hasn't been made.

QUESTIONS BY COLONEL BYRON:

Q You have testified that you were beaten three times, is that correct?

(HARRIS - Court)

A Yes, that is very correct.

Q Did any of these men, these accused, articulate in any of these beatings?

A I don't think so, because this one (indicating) did not beat often, but he caused to be beaten.

COLONEL [illegible]: The record will show that when he said "this one" he was referring to Number 17.

PROSECUTION: Yes, we will concede that he has not made the identification.

PRESIDENT: No further questions by the court.

Do you wish the witness to be excused permanently?

PROSECUTION: Yes, I strongly do.

DEFENSE COUNSEL: We have no objection.

PRESIDENT: The witness may be excused permanently.

(Thereupon the witness was excused and withdrew.)

PROSECUTION: Now, may it please the court, I would suggest a recess from now until Tuesday morning rather than start at this hour with a new witness.

PRESIDENT: The court will recess until Tuesday morning at 9 o'clock.

(Thereupon the court recessed at 1620 hours, 29 August 1947, until 0900 hours, 2 September 1947.)

Register

MILITARY GOVERNMENT COURT

CASE RECORD

Volume 17
Pages 1137-1207

CASE NO. 000-50-87

PROSECUTOR Lt. Co. W. Berman

*SUMMARY
[redacted] PRIVATE MILITARY COURT
[redacted]

DEFENSE COUNSEL Maj. L. Paulleda

INTERPRETERS Simon Wiesglas
Kelly Singer
George C Perese

PLACE Fuchsau, Germany

REPORTERS Peter L. di Curti
Gloria M. Spears
Mabel L. Holt
Eunice L. Wadcraft

DATE 2 September 194 7

WITNESSES

[redacted]

[redacted]

ACCUSED [redacted] ET AL

ADDRESS _____ SEX _____ AGE _____

	FIRST CHARGE	SECOND CHARGE
PLEAS		
FINDINGS		
PREVIOUS CONVICTIONS		

SENTENCE

IMPRISONMENT (TERM _____
(BEGINNING _____ 194_____

FINE AMOUNT _____
TO BE PAID BEFORE _____ 194_____
FURTHER TERM OF _____ IMPRISONMENT

CHARGE SHEET AND RECORD OF TESTIMONY ARE ANNEXED HERETO.

_____
SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY _____

_____

_____
SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

RECORD OF TESTIMONY

in trial of

THE UNITED STATES versus ARTHUR KURT ANDRAE ET AL

by

GENERAL MILITARY GOVERNMENT COURT

tried at

CAMP DACHAU, GERMANY BEGINNING 7 AUGUST 1947

2 September 1947 Pages 1137 thru 1207

TESTIMONY

WITNESS:	Direct	Cross	Redirect	Recross	Court
ALFRED BERNHARD	1137	1160	1185	1187	
PIERRE SEGELLE	1188	1194	1203	1204	1206

Camp Dachau, Germany

September 2, 1947

MORNING SESSION

(Whereupon the court reconvened at 0900 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present; prosecution and defense are represented by counsel; all of the accused are present; the reporter and interpreter are present.

There is a new witness to be called.

Alfred Bernhard.

ALFRED BERNHARD, called as a witness by the prosecution, being first duly sworn, took the stand and testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION:

Q What is your full name?

A Bernhard, Alfred.

Q Where do you live?

A In Traisen, Austria.

Q What street and number?

A Siedlung, 96.

Q How old are you?

A 38.

Q What is your civilian occupation?

A Employee.

Q What kind of business? Where do you work at?

A At the Labor Office.

Q In Traisen?

A In Traisen.

Q What is your nationality?

A Austrian.

(Bernhard-direct)

Q Were you at one time a prisoner in a concentration camp?

A Yes.

Q When and where?

A On the first of September, 1939, at the outbreak of the war I was arrested and sent to the Concentration Camp Buchenwald.

Q How long were you in Buchenwald?

A Four years.

Q Where did you go after that?

A To the Camp Dora, near Nordhausen.

Q When did you come to Dora?

A I believe it was the 28th of August, 1943.

Q How long did you stay in Dora?

A Until the last day, the fifth of April, 1945.

Q How many people were at Dora when you first got there?

A Nobody.

Q How many were among the first detachment that came there?

A Approximately one hundred.

Q What was your first job?

A In the warehouse.

Q What kind of warehouse?

A Food warehouse.

Q How long were you there?

A In the warehouse?

Q Yes. How long did you work there?

A Until 5th of April, 1945.

Q What were your duties in the food warehouse?

A To supply the prisoners with cold food.

Q What did this cold food consist of?

A Beet salad, sausage, cheese, bread and butter.

Q During the time when you were at Dora did your work bring you in contact with SS and other people there?

A Yes.

Q Will you look around the court room and see if there are in the courtroom any people whom you met in Dora and if there are just answer yes or no?

A Yes.

Q Will you stand up and point them out one at a time and when you point out one stop until I ask you to point out the next?

A Andrae.

PRESIDENT: Let the witness go closer to the accused so there will be no mistake.

A Andrae.

PROSECUTION: Let the record indicate that the witness has identified the accused Andrae wearing placard number one.

Next please.

A Braumy.

PROSECUTION: Let the record indicate that the witness has identified the accused Andrae wearing placard number two.

Next.

A Maischein.

PROSECUTION: Let the record indicate that the witness has identified the accused Maischein wearing placard number 12.

Next.

A Valenta.

PROSECUTION: Let the record indicate that the witness has identified the accused Valenta wearing placard number 18.

Next.

(Bernhard-direct)

A Meeser.

MR. SCHEFFLER: Let the record indicate that the witness has identified the accused Meeser wearing placard number 13.

Next.

A Zwiener.

MR. SCHEFFLER: Let the record indicate that the witness has identified the accused Zwiener wearing placard number 19.

Next.

A Kilian.

MR. SCHEFFLER: Let the record indicate that the witness has identified the accused Kilian wearing placard number 10.

Next.

A Jacobi.

MR. SCHEFFLER: Let the record indicate that the witness has identified the accused Jacobi wearing placard number 9.

Next.

A Merkmann.

MR. SCHEFFLER: Let the record indicate that the witness has identified the accused Merkmann wearing placard number three.

Next.

A Letmers.

MR. SCHEFFLER: Let the record indicate that the witness has identified the accused Letmers wearing placard number five.

Next.

A Simon.

MR. SCHEFFLER: Let the record indicate that the witness has identified the accused Simon wearing placard number 16.

(Bernhard-direct)

Next.

A Koenig.

[illegible]: Let the record indicate that the witness has identified the accused Koenig wearing placard number 11.

Are there any others there whom you recognize?

A No.

[illegible]: In that case let the other prisoners turn their placards around.

Q While you were at Lora did you hear of an incident involving some Italians who were prisoners of war? Answer yes or no.

A Yes.

Q Please tell the court everything you know about that particular incident--who was involved, how many and what happened?

A At that time I was on the way from block number 26 to the kitchen. I remember it exactly. It was on the 15th of December, 1943 in the afternoon and there - not many people, prisoners, who told me that everybody had to go to the stone quarry, especially Italians.

Q Please go on.

A I went over where only a few paces towards the stone quarry and seven Italians were brought over there.

Q Who was there when you got there?

A Actually nobody yet except prisoners.

Q What kind of prisoner --what was the nationality of the prisoners?

A Mostly Italians, but there was also other prisoners of all nations--various nations.

Q Please continue. Tell exactly what happened--with every detail?

A Six Italians were brought over. They were walking and one was being carried over. He was unconscious.

Q By whom was the unconscious one carried?

A He was carried by prisoners.

Q Which prisoners? The six prisoners or other prisoners?

A Other prisoners.

Q All right, plea e continue.

A A short while thereafter a bigger group of SS men came over to the Stone quarry.

Q Who were they?

A The Commandant Foerschner was there. Jacobi, Koenig, Braumy, two Muellers, Hetmers and many others. I do not recall exactly who the others were.

Q What happened?

A I remember exactly that the man in charge of the detail was SS Master Sergeant Koenig. The Italians were shot three at a time by two SS men.

Q Just describe exactly how this shooting took place?

A Foerschner filled out the sentence and one could hear something with respect to refusal of work and sabotage. I could not understand the exact wording of it and then three Italians were brought up to the wall. Two SS men were shooting at one Italian.

Q How many SS men were in the firing squad?

A Six and Koenig who was in charge of the detail.

Q Who did the actual shooting?

A Name the six? Koenig, Braumy, Jacobi, the two Muellers and the sixth one I cannot recall.

Q Who gave the order to shoot?

A Koenig.

Q Koenig gave the order to shoot. Now name the six people whom you said did the shooting?

A Jacobi, Simon, Braumy, the two Muellers who are not present here and also one more SS man.

Q You said there were three Italians put up against the wall. How far from the Italians did the firing squad stand?

A Maybe as far as where I am sitting up to the flag.

Q What kind of weapons were used?

A Military rifles.

Q Now you said that two men fired on each of the three Italians. How did you know that?

Will you first estimate the distance in meters from where you are sitting to the flag?

A Six meters. It also could have been five.

Q You said that two out of the six fired on each prisoner. How could you tell that?

A Because I was standing nearby.

Q What did you see which is the basis of your statement that two men from the SS fired on each prisoner?

A Because we saw that always two rifles were aimed at one Italian.

Q How many out of the six members of the firing squad fired at the same time?

A Six.

Q What happened to the three Italians after the volley was fired?

A They remained on the ground.

Q After these three were shot what happened with the others? What happened with the other Italians?

A There is something I forgot to say. At first SS Master Sergeant Forsher walked up to the three people lying on the ground and shot each one in the head with his pistol.

Q All right, now what happened after these three were disposed of? How about the rest of them?

A Then it was the turn for the next three.

Q What happened to the next three?

A The same thing was repeated.

Q Who gave the order to shoot at the second three?

A Koenig.

(Bernhard-direct)

Q Who shot at the second three?

A Again the same people as before.

Q Please name them again.

A Jacobi, Brauny, Simon, and the two Muellers.

Q Who was the sixth one?

A I cannot recall him. I did not know him.

Q After the firing squad had shot at the second group of three what happened after that?

A Then one still remained, the one who was on the stretcher.

Q Tell the court what happened to him?

A There were political prisoners present who worked in the dispensary and they wanted to carry him down to the dispensary with the reasoning that by tomorrow he would be dead anyway.

Q Who did they talk to?

A With Master Sergeant of the SS Koenig.

Q Tell the court what they said to Koenig and tell the court what Koenig said to them?

A This orderly was called Schweitzer. He said to SS Master Sergeant Koenig that it would not be necessary to shoot him because by tomorrow he would be dead anyway and he wanted to carry him down to the dispensary. Thereupon Koenig answered, "Well that is all the same whether he dies tomorrow He has got to die today." Then he pulled out his pistol and shot at him.

Q Who pulled out his pistol?

A SS Master Sergeant Koenig.

Q What did he do with this unconscious prisoner?

A He shot him.

Q Where?

A On the stretcher.

Q What part of the body did he shoot him in, if you know?

Q Who shot at the second three?

A Again the same people as before.

Q Please name them again.

A Jacobi, Brauny, Simon, and the two Muellers.

Q Who was the sixth one?

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Q Who pulled out his pistol?

A SS Master Sergeant Koenig.

Q What did he do with this unconscious prisoner?

A He shot him.

Q Where?

A On the stretcher.

Q What part of the body did he shoot him in, if you know?

A I believe in the chest.

Q What happened after that?

A After that I ran away. I ran back to the kitchen and a few minutes thereafter SS Technical Sergeant Westphal came to me and said, "Give me or will you issue two bottles of liquor to S. Master Sergeant Koenig? "

Q What did you do?

A I issued two bottles of liquor for S. Master Sergeant Koenig. He accepted them, made a gesture of enjoyment about the receipt of this liquor and left.

Q Where was this liquor delivered to Koenig?

A At the warehouse window.

Q Who gave it to him?

A I gave it to him upon the order of SS Technical Sergeant Westphal.

Q What did Koenig say when you gave him the whiskey?

A He made a gesture full of joy.

Q Did he say anything?

A No.

Q Now you have identified the accused Andree. What can you tell the court about Andree?

A Andree I actually only know by sight. He worked at the Post Office.

Q Do you know anything about the conduct of the post office?

A I had nothing to do with the Post Office.

Q Well let us go on to Braumy. Can you tell the court anything about Braumy in addition to this shooting episode you just told about?

A I saw Braumy frequently how he whipped prisoners who were placed across the wooden horse on the roll call place.

Q What would he use to beat them with?

A That wasn't always the same thing. Sometimes an oxtail or sometimes an electric cable.

(Bornhard-direct)

Q How often would he beat?

A That is very hard to say today.

Q How many blows would he give to a prisoner?

A Usually most of the time 25.

Q Who was present when Braumy beat the prisoners on the roll call square?

A Most of the time Koenig as present--the two roll call leaders.

Q What would be the reason for these beatings?

A If somebody didn't take off his cap in time or if he spit on the floor sometimes or if he kept his hands in his trousers pockets--all those little things.

Q How was the prisoner dressed when he got these beatings?

A They had their pants on but there was also occasions when they had to undress.

Q By whose orders were they undressed?

A According to my opinion these orders came from the roll call leaders.

Q Describe the appearance of these naked prisoners after the beating?

A I never stood nearby but I saw some of these bodies afterwards while taking a bath.

Q Describe the condition them.

A It happened sometimes that in the bathroom there were a hundred people or more and these people were beaten so that their skin opened up.

Q What happened to these prisoners after the beatings?

A Well they either got lost among the other prisoners again or they remained on the ground next to the wooden horse.

Q What happened to these who remained next to the ground?

A They were carried on stretchers down to the dispensary.

Q By whom?

(Bernhard-direct)

A By prisoners.

Q What happened to them after they got to the hospital?

A This is beyond the scope of my knowledge.

Q You also identified the accused Maischein. What can you tell the court about him?

A Maischein I only also know by sight.

Q What was his rank and what was his occupation?

A I believe that the crematory was under his supervision with respect to his rank I believe he was an SS Corporal.

Q You also recognized the accused Walenta. What can you tell the court about him?

A Walenta--well he probably was one of the worse ones we had in the camp.

Q Why do you say that?

A Well Walenta was a prisoner and he offered his services as a stooge for the SD, the Security Service.

Q What would he do as a stooge?

A To report the conversations and the sabotage that was being carried out on these V-weapons, the secret weapon that was being built, to the SD.

Q Do you know the names of any people that Walenta reported?

A Well this is hard to say because all of these people never come back alive.

Q Well can you name to the court some of them that were reported by Walenta that you never saw again?

A I had very many friends in camp who were political prisoners there and they all were taken to the bunker and had been murdered there.

Q Name some of them.

A Kunze, Albert; Heins Schneider; Szymcak; Thomas, George; Lucius and many others that I only knew by their nicknams.

(Bernhard-direct)

Q By whom were these people you just named brought to the bunker?

A They were taken to the bunker upon denunciations.

Q By whom?

A But prior to that time I had been warned by these people of Valenta.

Q What did they tell you?

A Not or I know Valenta from the bunker. If you ever have any contact with him. Be careful. Valenta is somebody who always denounces people and is in the service of the SD.

Q Can you tell the court anything else about Valenta?

A As a matter of fact Valenta came into the camp with handcuffs and took up people to the bunker.

Q Did you see that your self?

A This I saw myself when he took prisoners out from the dispensary.

Q How many times did you see him do that?

A I myself saw it once.

Q What happened to the prisoner that Valenta took out of the dispensary

A I never saw him again.

Q Anything else about Valenta?

A No.

Q You identified the accused Moeser, what can you tell the court about Moeser?

A Moeser was camp leader. I witnessed an execution on the 10th of March 1945 on the roll call place.

Q What year was that?

A 1945.

Q Yes.

A At that time approximately, I believe, 57 people were hanged.

Q Who was the hangman?

A The hangman was Kilian.

pld-166

Q Go ahead please and tell the court what you saw at this hanging.

A There were three gallows at the roll call place. On one gallows there were five prisoners. On one there were six and on one there was one. They took the prisoners down from the gallows to hang the next people so it happened that some of them were still alive. So Kilian took the footstool where the prisoner had to step up and mashed in their heads.

Q How many?

A What I sawthere were three or four. So Moser walked over and stopped him to discontinue this because this was a terrible picture and then Moeser went over and shot those in the head that were still alive.

Q How many did Moeser shoot in the head that were still alive?

A What I saw three or four.

Q What else can you tell the court about Moeser?

A Moeser was transport leader of the transport which left Dora on the fifth of April.

Q We will leave the transport for last. Is there anything else except the transport you can tell about Moeser?

A That he was present at all executions. Nothing else.

Q You also identified Zwiener and Kilian. What can you tell the court about Zwiener and Kilian that you haven't mentioned?

A One day we were taking coffee down to the tunnel. I believe that was in fall '44. That was half past seven or six o'clock in the evening. At the same time 29 people were hanged on the crane.

Q Where?

A On the crane down in the tunnel.

Q Who was the hangman there?

A Kilian.

Q Who was present at that hanging in the tunnel?

A That I could not see because between me and the gallows there were

many prisoners standing. At that time there were about t cusands of prisoners down there in the tunnel and between me and the gallows--crane--were about h ndreds of them standing.

Q Where, in the tunnel did this hanging take place?

A On the crane in the tunnel.

Q What tunnel was it, do you remember?

A I believe it was the tunnel beyond tunnel five.

Q What was that tunnel where the hanging took place used for when it wasn't used for hanging?

A For the production of V- weapons.

Q What kind or what happened to the work during the hanging?

A I do not understand the question quite well.

Q While the hangings were taking place what happened to the work that was supposed to be done?

A That was stopped. The prisoners had to witness all that.

Q Now you have told the court about Kilian. What can you tell the court about Zwiener?

A Zwiener was the hangman before Kilian.

Q How do you know?

A On the 12th of March, 1944 on the Sunday afternoon two people were hanged on the roll call place and at that time no hangman was present so the then roll call leader Grinkmann wanted to force two political prisoners to act as hangman.

Q What were their names?

A They were two German political prisoners by the name of Szymcak and Thomas, George.

Q What happened?

A They refused and on account of that they were brought to the bunker So an SS Master Sergeant Fuster hanged these two prisoners, but before Fuster conducted the hanging they wanted to force another German political prisoner (Bernhard-Streut)

execute the hanging. That was the orderly Schweitzer, Karl and Detmers was the one who wanted to force him. On account of that the headquarters physician Doctor Kahr walked over and said, "He is not going to execute any hangings. He is my orderly. He is not going to hang anybody."

Q What happened after that?

A On account of that the Staff Master Sergeant Fuster walked over to the gallows and hanged the two.

Q What can you tell the court about Zwiener, not about Fuster?

A From this day on Zwiener became a hangman.

Q Did you ever personally see him hang anyone?

A Yes I did.

Q When and where was this, if you remember?

A That was in the stone quarry where the Italians were shot and also on the roll call ground.

Q How many people did you see Zwiener hang?

A The hangings that I saw being executed by Zwiener were approximately 15 prisoners.

Q Can you advise the courts the dates of any of these hangings?

A Well dates I do not know any, but it was approximately from '44 until the fall of '44. That means from the spring of '44 until the fall of '44.

Q Who was present at these hangings in the quarry?

A I remember exactly an incident where a Pole was to be hanged and they did not have a rope.

Q What happened?

A So they took a cable, an electric cable, and he Zwiener hanged this prisoner.

Q How did he do that?

A He attached the cable--it was a thin cable--and he attached it just like a rope and hanged him.

(Bernhard-direct)

Q Did you see that yourself?

A Yes that was one day in the afternoon around four o'clock.

Q Who was present at the time this prisoner was hung through the use of the lectric wire?

A Forster, Brinkmann and I believe Moeser.

Q Who gave the order to hang, do you know?

A That I can't recall exactly anymore.

Q Now you also identified the accused Jacobi. What can you tell the court about Jacobi in addition to the shooting in the quarry of the Italian prisoners of war.

A I saw once how Jacobi together with a Pole beat the prisoner who was stretched out across the block.

Q Who did the beating?

A Koenig was present and Jacobi did the beating.

Q With what?

A With a board.

Q Where did he beat the prisoner?

A The prisoner was across a block and Jacobi beat him with the board across his buttocks.

Q How many times?

A That I do not know how many times.

Q What was Jacobi's job?

A Jacobi was in charge of the camp carpenter shop.

Q Can you tell the court anything else about Jacobi?

A No.

PRESIDENT: The court will recess for 20 minutes.

(Thereupon at 1000 hours the court recessed.)

(Whereupon the court reconvened at 1030 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all members of the court are present, all of the accused are present, the defense and prosecution are represented by counsel, the reporter and interpreter are present.

At the end of the last session the witness Bernhardt was under direct examination.

PRESIDENT: The witness is reminded he is still under oath.

WITNESS ALFRED BERNHARDT: Yes.

ALFRED BERNHARDT, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, continued to testify through an interpreter as follows:

DIRECT EXAMINATION (continued)

QUESTIONS BY PROSECUTION: (continued)

Q Now, you also identified the accused Brinkmann. What can you tell the court in addition to what you have already said about Brinkmann?

A When Brinkmann became roll call leader, all political capoes and people in position were relieved from their jobs.

Q Why?

A Because they did not beat the prisoners.

Q What else can you tell the court about Brinkmann?

A Brinkmann was a big beater.

Q Will you tell the court the basis of that statement?

A That the capoes were relieved?

Q No, you said Brinkmann --- Well, I will ask you about that. Who took the place of the political capoes and block eldests that Brinkmann relieved?

A Criminal prisoners.

Q Now, you said Brinkmann was a big beater and I asked you upon what do you base that statement.

A Because I simply saw it in the camp.

Q Did you personally see Brinkmann do any beating?

A Yes.

Q How often?

A When you walked through the gate Brinkmann usually was present.

Q And what took place there?

A And whoever did not report in time or whoever did not march out at attention was being beaten.

Q With what?

A With a club.

Q Where? Upon what part of the body?

A That was immaterial. Over the head or wherever else he just happened to hit somebody.

Q What else can you tell the court about Brinkmann?

A Brinkmann always was present at the executions on the roll call place.

Q What did he do there?

A He witnessed it.

Q What else?

A As a roll call leader.

Q How long did these roll calls last?

A Frequently for hours.

Q Did you ever participate in sports in Dora?

A No, I always could get out of that. But Brinkmann was the one who relieved the political camp eldest Szyszak and Thomas, Georg, and replaced them with Wiener.

Q You recognized the accused Detmers. What can you tell the court about Detmers?

A I remember correctly that at one time at 11 o'clock at night a 'phone call came into the kitchen that food has to be set aside for four to five people who would come over at night to the kitchen from the

bunker to eat there.

Q Who made the 'phone call?

A I believe Detzers.

Q What happened?

A Then at 4 o'clock in the morning Sanders, Boeger, and Detzers and two others came into the kitchen. I do not know what was going on in the bunker, but during that night the flame from the crematory burned about two or three meters high.

Q Who else came to the kitchen that night?

A Also two others whom I did not know.

Q Did you hear any talk between them that night?

A No, they were very quiet.

Q Can you tell the court anything else about Detzers?

A Detzers always was also at the executions of the roll call place.

Q What was his job there at the executions -- at the hangings?

A Court officer.

Q What were the duties of the court officer in these hangings, do you know?

A This is beyond the scope of my knowledge.

Q You also recognized the accused Simon. What can you tell the court about Simon in addition to this shooting at the quarry?

A Simon always tried to relieve the political prisoners and the foreigners from their jobs. For instance, my work detail consisted mainly of foreigners, also the capo was a foreigner, and it was always he tried to replace them with criminal prisoners.

Q Why?

A Well, that I do not know.

Q What else can you tell the court about Simon? What was his job?

A He was in charge of all the labor allocation.

Q Anything else?

A No.

Q You have also recognized the accused Koenig. Will you tell the court about Koenig in addition to the quarry episode?

A Koenig was very much feared as a roll call leader, and I saw him many times how he beat prisoners over the block.

Q Tell the court about some of these beatings.

A At first they always took place on the roll call place, and those prisoners that were destined to be punished were pulled out of the formation.

Q By whom?

A By Koenig as the roll call leader. And then over the block they were being beaten terrifically.

Q Now, you started to tell the court that at the end of the camp in April '45 you went on a transport. Where did this transport go to?

A During April several transports left Dora.

Q I am talking about the transport that you went on.

A That was the last transport and it left on the evening of the 5th of April.

Q Where was it going to? Where was it destined to go to?

A I believe Bevengause, near Hamburg.

Q Who was in charge of the transport?

A Hoeser.

Q Where did the transport finally end?

A To Ravensbrueck.

Q Were there any of the other accused on that transport in addition to Hoeser?

A No.

Q Tell the court what you can about how Hoeser acted on this transport -- what you personally saw him do.

A At first we came as far as Tottenborn. There the train stood for about two, about three days, and there I saw how approximately 30 people

were buried.

Q What did they die from?

A I only saw how the corpses were being carried by in front of me and some of the were bleeding and some of them were full of blood already. It is possible that the conditions attributed to that fact, because approximately 100 to 130 were being in one railroad car.

Q Continue.

A On the 8th of April we reached Osterode and we could not go any further because the fliers had bombed everything, so the order was given for everybody to get off the train and to go on foot across the Harz mountains, so we had many who could not march any more, so on the morning of the 8th of April they were shot at the railroad embankment of Osterode.

Q By whom?

A By the S.

Q Who was present?

A Well, I did not know them, those that were there.

Q Do you know who gave the order to shoot these people?

A That I do not know, but I know that Koser was present there.

Q How many were shot that way?

A Well, I could not say that, but I supposed there were 30 to 40 people.

Q What else can you tell the court?

A And then we started out to march and we wanted to take along the food supply for the prisoners, so we asked some of the guards to go along with us to a farm so we could requisition a wagon and we wanted to pull this wagon ourselves because the prisoners did not have anything to eat; and Koser came over with his pistol in his hand and chased us away; and the result was that the people did not have anything to eat for 10 days.

Q What was the result of that?

A Incountable cases of death during the march.

Q What did they die from?

A And while we had to march from Osterode to Ocka on foot -- which is about 45 kilometers.

Q About how many people died on that march?

A Well, this is hard to say, but I suppose there were 200 of them that were shot.

Q Where were these 200 shot?

A On the march to Ocka.

Q Why?

A Because they could not continue marching any more.

Q By whom were they shot?

A By the SS -- by the escort unit. And also the professional criminals were being armed at that time.

Q By whom?

A I suppose by Moser as the camp leader. And they participated in the shootings also.

Q What happened next?

A And we finally reached Ocka.

Q What happened then?

A In Ocka again we were put into railroad wagons.

Q What were you given to eat at Ocka?

A Nothing.

Q How long had you been on the transport from Dora to Ocka?

A From the 5th to the 15th.

Q During that 10 days ---

A 15th or 16th, I can not tell you exactly.

Q During that 10 days, what were you given to eat? What were the prisoners given to eat?

A Nothing.

Q After Ocka, what happened?

A From Ocka we rode to Magdeburg and there we were sidelined on a

siding, and in Magdeburg another mass burial was being done.

Q How many?

A That I can not tell you either, but I do know that there were very, very many.

Q The people that were buried in Magdeburg -- from what did they die?

A That must have been on account of loss of strength. And they were also partly shot.

Q What happened after Magdeburg?

A From Magdeburg we travelled to Hauen, and there we stayed for four days. This is near Berlin. And from Hauen to Ravensbruck. How many corpses we had in the railroad car I can not tell you because they remained in the railroad car.

Q How many were dead in your car when you got to Ravensbruck?

A In my car when we reached Magdeburg we had already 6, and in Ravensbruck we didn't have any.

PROSECUTION: Could I have just a minute or two to go over some of my notes

QUESTIONS BY PROSECUTION (continued):

Q Can you give the court any idea how many hangings took place in the tunnels?

A I once met a group of prisoners who were handcuffed and were gagged. They had a piece of wood in their mouth and this was tightened with a piece of wire in the back -- this piece of wood. I myself was present at an execution when 29 people were hanged in the tunnel. And once I saw a group of approximately 30 prisoners who all were handcuffed and were gagged in the same manner and they were being led to the tunnels also, and an hour afterwards the corpses were being brought up to the crematory.

Q How did these hangings in the tunnel take place -- the hangings

on the crane? How was the crane operated?

A The one that I witnessed, they had planed a piece of board or a rail from the chains that were hanging down from the crane and on that crossbar Miller attached the ropes, and the noose was put around the neck of the prisoners, and when all that was done Miller pushed a button and the whole thing slowly was hoisted up, and they were hanging on that like grapes.

Q How long were they hanging before the prisoners were taken down?

A I went up to the camp then and I heard from other prisoners who were moving up to above the tunnels -- and that was about half past 10 that they still were hanging down there.

Q How long was that?

A Three hours. Three and a half hours.

PRO[illegible]: Your witness.

Oh, may I ask just one more question?

Q Is there anything else that you can tell the court about any of these accused that you haven't already mentioned?

A Frequently we received some contents of the packages from the post office in our kitchen, but all that was so mixed up -- food and soap mixed together -- that it had to be assorted.

PROSECUTION: Your witness.

DR. ARNEIVER: Cross examination on behalf of the accused Maischein and Timon.

CROSS EXAMINATION

QUESTIONS BY DR. ARNEIVER:

Q How often did you have a chance, or the occasion, to see the accused Maischein?

A Well, during the week, sometimes every day during the week and sometimes I didn't see him for a whole week.

Q On what occasions did you see him?

(BERNHARDT - ross)

A When he came from the crematory to the camp he had to pass the kitchen.

Q How do you know that the accused Waischein was in charge of the crematory?

A That was generally known. In addition to that, I saw him at the crematory.

Q Isn't it a fact that Waischein was a medical NCO in the troop dispensary?

A That I do not know.

Q Wasn't there a capo by the name of Fuchs in the crematory?

A I only knew the capo by sight.

Q So when you say that Waischein was in charge of the crematory you only know it by hearsay, is that correct?

A No, Waischein frequently came into the kitchen when he wanted something to eat.

Q And at that time did he tell you of the crematory?

A He used to say, "Well, fellow, we have hard work in the crematory; give us something to eat."

Q Whom did he tell it to? To you yourself?

A Yes, to me.

Q How often did he make such a remark?

A That happened frequently.

Q And you never heard that Waischein was a medical NCO in the medical dispensary?

A I did not get to go in the vicinity of that, of the troop area.

Q Is there anything that you can say against Waischein with respect to his behavior toward the prisoners?

A No.

Q How did he behave toward you?

A I had nothing to do with him.

Q You spoke about the fact that the prisoners Thomas and Szymcak refused to conduct an execution, is that correct?

A Yes.

Q Did you hear of the fact that the accused Timm at that time had forbidden for these two prisoners to conduct the execution?

A That I do not know.

Q Subsequently to that, what happened to the two prisoners, Thomas and Szymcak, after they had refused to conduct the execution?

A Prinkmann had them marched off to the bunker.

Q And how long did they remain in the bunker?

A Until th evening.

Q And what happened to them afterwards?

A In the evening I spoke to Szymcak.

Q And what did he tell you?

A That the commandant came to him to the bunker and he said to them, "Well, I can free you from the bunker, but you can not expect to remain camp eldest, because I have to account for that to the officer."

Q Do you know that Timm afterwards got a good position for these two prisoners?

A That I do not know.

Q Don't you know what the two of them did afterwards?

A Szymcak worked in the Labor Statistic and Thomas was in the Clothing Supply Store.

Q But that only happened after they refused to conduct the execution, is that correct?

A Yes.

Q You said that Timm frequently tried to relieve political or foreign prisoners and in favor of professional criminals?

A Yes.

Q How do you know that?

A With respect to our work detail, which I belonged to.

Q Whom did he try to relieve?

A The foreigners.

Q Wasn't it like this: that they wanted to have German speaking prisoners in the kitchen for the reason of contact with German civilians?

A No, because the capo in the kitchen knew all the languages.

Q What was the nationality of this capo?

A He was a Czechoslovakian.

Q Was his name Volters?

A No, that was "Chef." That was the kitchen chef.

Q Did you listen in to conversations between Simon and this kitchen chef?

A Yes.

Q Did you hear how Simon frequently told this kitchen chef to issue leftover food to hard working prisoners?

A Yes, that happened.

Q Isn't it also a fact that Simon also frequently brought sick prisoners to the kitchen to the potato peeling detail so they would recover there on easy work?

A No, the work in the kitchen was a very hard one.

Q And the work of peeling potatoes, according to your opinion, is that hard work?

A It was also hard work.

Q Is potato peeling hard work?

A Yes, they had to unload the wagons.

Q Weren't there people who did not have to unload wagons, but just plainly peeled potatoes?

A All that was included.

Q So by that you want to say that those people that were assigned to peel potatoes also had to unload wagons?

A Yes.

DR. AETNER: No further questions.

QUESTIONS BY DR. REICHER:

Q In direct examination you spoke about the telephone call which came in about 11 o'clock and, according to your opinion, came from the bunker. Doctor, what time was it -- I mean, season or month or day?

A That was during one of the nights after the 20th of July 1944.

Q At that time did the bunker have telephone connection already?

A Yes, I suppose so.

Q What barracks or what block did you sleep in?

A Very often I was also at night in the kitchen.

Q I asked you where, in which block, you slept?

A Block 26.

Q So during the night your official place of stay was not in the kitchen?

A That differed. We had day work and night work.

Q What kind of work did you have at night?

A To prepare the provisions, the food, for issue.

Q So at 11 o'clock at night you were still in the kitchen?

A Yes.

Q Did you yourself answer this telephone call? Did you yourself receive this telephone call?

A I was standing next to the telephone.

Q So you yourself did not receive this telephone call?

A No, the SS man on duty, Krupper, and he told me, "Something must be going on in the bunker."

Q Isn't it a fact that in July 1944 a bunker did not exist yet in

Dora?

A That I don't believe.

Q Do you know it? Whether a bunker existed or not.

A Yes, at that time, beginning of August, the bunker was finished already.

Q This is your opinion?

A Yes.

Q Were you personally present at the time when the people Sanders, Detmers, and Prinzmann came to the kitchen?

A Yes.

Q Who were the other two that were with them? You don't know. Were they civilians?

A No, SS.

Q You further testified that Detmers was present at executions. At how many executions did you see Detmers?

A Well, today I cannot tell you any more exactly.

Q Can you tell it approximately?

A It might have been 10 to 15 times.

Q And every time you yourself were present?

A I did not need to be; I could see everything from the kitchen. It was in front of the kitchen.

Q Was the stone quarry nearby the kitchen--the one that you spoke of?

A Yes.

Q Can you show on this map where the stone quarry was? Exhibit Number P-22.

A Yes. This is approximately where the stone quarry was. (Indicating.)

DR. [illegible]: Let the record show that on Prosecution's Exhibit

([illegible]- mss)

P-22 the witness is pointing at a spot in a southeasterly direction of the crematory outside the enclosure.

Q And where is the prisoners' kitchen?

A This is the prisoners' kitchen.

DR. MEYNER: Let the record show that the witness is pointing at a building which is marked "Prisoners' Kitchen."

Q And in what part of this prisoners' kitchen did you work?

A In the whole kitchen.

Q How long and how wide was this prisoners' kitchen -- the building?

A That could have been 50 meters.

Q Was the building erected in such a manner as it is shown here on this map?

A Yes.

Q What was placed in the southernly part of this kitchen?

A Here was the pot for peeling potatoes. (Indicating.)

Q And where were the kitchen kettles standing?

A There. (Indicating.)

DR. MEYNER: Let the record show that the witness is pointing at the part of the kitchen which is facing to the east.

Q And from this prisoners' kitchen you saw the executions?

A Yes, that was only a few paces away.

Q How far do you estimate the distance from the prisoners' kitchen to the stone quarry?

A That could have been about 120 paces.

Q And, according to your opinion, the way you stated it here, the building of the prisoners' kitchen was about 50 meters long?

A Yes.

Q Was there also a civilian present during the execution of the Italians?

(EBERHARDT-Cross)

A That is possible. There were so many people that I can not recall.

Q When did you see the accused Walenta for the first time in the Camp Dora?

A That I can not recall exactly either.

Q Can you tell it approximately?

A It might have been in summer 1944.

Q At that time did you get to know the accused Walenta immediately?

A No.

Q When did you get to know him?

A I only showed interest in him at the time when I was warned of him.

Q And when was that, approximately?

A That could have been in summer or in fall 1944.

Q And who warned you?

A Albert Kunze.

Q And when was Albert Kunze arrested?

A That could have been November 1944.

Q Did you yourself have any conversations with Walenta?

A No.

Q You still remember the name of the prisoner that you saw being marched off in handcuffs by Walenta from the dispensary?

A That was a Pole. I did not know the name; I only know he was a hospital orderly.

Q Wasn't it possible that his name was Nikolai Setrenko?

A No, but I did see him together with him walking down in the direction toward the dispensary.

Q Isn't it a fact that Walenta, as an orderly of the bunker, had to march down those prisoners to the dispensary for treatment who were being kept in the bunker?

A Yes, but when I walk around in camp with handcuffs and go around

arresting prisoners, I must have more confidence on the part of Sander.

Q Were you present when he was arrested or did you just see Walenta marching somebody off?

A I saw him march down, go down to the dispensary with the handcuff and I saw him again on the way back accompanied by a prisoner who was handcuffed.

Q Do you know of what nationality the prisoner Lucius was -- the one you mentioned before?

A Yes, he was from Frankfurt on the Main and he was a German political prisoner.

Q Was he a very tall one with black hair?

A Yes.

Q Do you know who the prisoner Schneider was mentioned by you was arrested by?

A I did know Schneider very well, but I do not know who arrested him.

Q Did you know a prisoner in Dora by the name of Willi Steinmann?

A Yes.

Q Isn't it a fact that Willi Steinmann arrested Schneider?

A That I do not know, but I also was warned of Steinmann.

Q Do you know who arrested Sayewak?

A No.

Q Not even when he was arrested?

A Not exactly.

Q According to your opinion?

A It could have been December or January.

DR. REXER: No further questions.

DR. AHLFINGER: I have two further questions to ask which are based on the fact that I misunderstood the two informations on these two pieces of paper here. They are questions on behalf of Sieon.

(BERNHARDT - Cross)

Ta 167-elh-Ferdlausen
2 Sep 47 - 17

QUESTIONS BY DR. AUERBACH:

Q Did Simon try to place the cape of the kitchen into some other job?

A Yes, the pressure against the foreign capo was very big.

Q Were you of the opinion or the impression that Simon tried to get rid of the capo from the kitchen or that he just tried to put him in some other job?

A I had the feeling that as a foreigner he was a thorn in his eye.

Q And you stated before that this man spoke several languages, is that correct?

A Yes.

Q Did you hear that he was supposed to be taken out of the kitchen because his knowledge of German was needed in some other place?

A No, as somebody who knows the situation, this only would have been an excuse to get him away from there.

Q Didn't you hear that he was supposed to be sent to the kitchen of the Mittel Werke where somebody who spoke German was needed?

A That is not known to me.

DR. AUERBACH: No further questions.

QUESTIONS BY DEPUTY COUNSEL:

Q Mr. Fernhardt, this shooting of the Italian prisoners of war on the 15th of December -- I understand that you witnessed that from your place of duty at the prisoners' kitchen, is that right?

A '43?

Q Yes, '43.

A No, at that time I was in the stone quarry.

Q Which execution is it that you witnessed from your place of duty in the kitchen?

A That was 10 or 15 times when individual prisoners were being marched to the stone quarry.

(CROSS-EXAMINATION)

Q "ow, isn't it a fact that prisoners were always scared off or told to go away when there was an execution in the stone quarry?

A I only remember here of one execution when one was shot, but usually the prisoners were being chased there.

Q Now, how far were you standing from the actual execution on the 15th of December 1943?

A We were standing on the hill of the stone quarry -- on the elevation of the stone quarry.

Q And approximately how far was that from the place where the execution was actually taking place?

A Maybe 8 meters. 8 or 10 meters..

Q Now, what was said when the camp commander read the sentence?

A This was translated by an interpreter. I do not know the exact wording, but you could hear something of sabotage and refusal of work.

Q Were you close enough to hear the sentence as it was being read very plainly?

A Well, I wasn't very quiet in this situation -- very calm.

Q Well, were you close enough to hear the sentence and what was read?

A Well, I did hear it, but not the exact wording, and besides it is 4 or 5 years since.

Q Now, do I understand that the camp commander Koerschner was in command of this execution?

A Yes.

Q Well, then Koenig was not commanding the execution, was he?

A Koenig was in charge of the execution detail.

Q Now, who was the doctor who was present at this execution?

A Only a nurse was present -- Schweitzer.

Q Did the sentence which was read cover all the Italian prisoners, including the one that was on the stretcher?

A Yes.

Q Was Koenig giving the orders and shooting at the same time?

A No.

Q Did he do it at different times or did he do one and not the other?

A First one three were shot and then again three more were shot and this one remained.

Q Well, when the first six were shot, was Koenig doing any shooting then?

A No.

Q These goods which you received in the kitchen -- they were from undeliverable packages, were they not?

A That I do not know.

Q Now, you recall these beatings which you said you saw Fraumy give on the roll call square. Were they given as official punishment?

A Well, that, I suppose so.

Q Now, were the sentences which were read at all executions -- were they not broadcast over the radio?

A No.

Q Now, these punishments in the roll call square -- were all the prisoners present to witness these? I am speaking of the punishments Fraumy was supposed to have administered?

A Yes.

Q Approximately at what dates would you fix those punishments? What time of the year, the month?

A Mainly 1943.

Q Now, you stated that after you had seen these punishments you had had occasion to examine the bodies of the men who were punished when they were taking a bath, is that correct?

A Yes.

(BERNHARDT - ros)

Q Now, where was this bath where you saw this?

A In the beginning it was outside the camp, in the civilian bath.

Q Well, were the prisoners permitted to go to this civilian bath?

A They were escorted over there every 14 days by blocks.

Q And was it at this civilian bath where you saw these prisoners who had been beaten?

A Yes.

Q Did you ever see any prisoners who had been beaten taking a bath in the camp itself

A At that time there was no bath in the camp.

Q Did you see them at a later time when there was a bath?

A Yes.

Q Now there has been extensive testimony before this court that the prisoners had no facilities for taking any baths of any kind in 1943. Is that correct?

A That is not quite correct. It might be possible that various work details did not get a chance to take a bath at all.

Q How do you know that Valenta was a spy for the Gestapo?

A Because he was in the bunker.

Q Wasn't he a prisoner at the bunker

A No, it leaked through to the prisoners of the camp that he was taking part in interrogations.

Q Isn't it a fact that he first went to the bunker as a prisoner?

A That I do not know.

Q Isn't it a fact that he then was appointed as orderly in the bunker?

A I stated already here that I only got to know Valenta at the time when I was being warned of him.

Q How was he dressed at that time?

A He wore civilian clothes.

Q Now you stated that Schneider and Kunz and Szymcak and Thomas, George, were some of the names of the prisoners who were reported by Valenta. These same people were the ones who warned you about him?

A Yes.

Q Well, now, isn't it a fact that both Szymcak and Thomas were sent

(Bernhardt - cross,

into the bunker because they refused to perform a hanging?

A Yes; that was the first time.

Q And isn't it a fact that on the second occasion they were sent into the bunker as a result of being betrayed by fellow members of the resistence movement?

A Yes. No, that did not come from the resistence movement, but from those people that always would denounce.

Q Now this prisoner whom you saw Valenta take handcuffed to the bunker from the dispensary, isn't it a fact that he just took him up to the bunker and then released him?

A To release him?

Q Yes, released him. They never did take him into the bunker, but released him just outside of the bunker, just as he got to it?

A Well, I would admit to releasing him, but up through the chimney.

Q There has been testimony before the court that Valenta threatened to arrest a man, took him handcuffed from the dispensary, but when he got to the bunker he released him. Now what I want to know is whether this is the same man or some other man you are talking about; do you know?

A That I do not know.

Isn't it a fact that Valenta went around bragging to all the prisoners that he had the power to arrest them in order to get them to do favors for him. Isn't that true?

A That I could not say.

Q Did you ever hear that?

A I knew that Valenta was leafing around in the camp.

Q Now I refer you to this hanging which you witnessed on the 10th of March, 1945. Do you recall that?

A Yes.

Q What doctor was present at that hanging?

Take 171 - mdh-9-2-3

A I believe none.

Q How about the hanging which took place on the 12th of March, 1944? What doctor was present at that hanging?

A Then Dr. Fischer was present.

Q Do you know a prisoner by the name of Peter Schreur?

A The name is familiar to me.

Q This hanging which took place on the 12th of March of 1944 is the one in which you testified Szymcak refused to perform the hanging?

A Yes.

Q And do you recall whether Peter Schreur volunteered to perform the hanging when Szymcak refused?

A No, Schreur was the prisoner who put the noose around the prisoner's neck, but Fister was the one who kicked away, or pulled away the foot stand.

Q But Schreur did volunteer, did he not, to put the noose around the man's neck?

That I don't believe, that he volunteered.

Q Now Szymcak didn't perform this hanging, did he?

A No.

Q And this was the hanging which Szymcak refused to perform, is it not?

A Yes.

Q And you are sure that Szymcak did not volunteer for this hanging?

A Well, that was known generally in camp.

Q Didn't you just say that Fister and Schreur actually did the hanging?

A Yes.

Q I am speaking now, Mr. Bernhardt, of this particular hang which took place on the 12th of March, 1944, and it was the hang Szymcak refused to perform.

A Yes.

Q This particular hanging Szymcak did not perform, it that right?

A No; in the evening he was made camp eldest; the same day he became camp eldest and the next execution was done by Szymcak.

Q But this particular one, on the 12th of March, 1944, he did not perform; is that right?

A No, he did not.

Q So therefore he did not volunteer for that hanging, did he?

PROSECUTION: I pray the court's judgment. I think that is six times that same question has been asked.

DEFENSE COUNSEL: If the court please, the witness seems to be a little bit confused.

PROSECUTION: He said plainly that Szymcak did not volunteer; Szymcak did not do that hanging.

DEFENSE COUNSEL: When he said it was generally known in the camp.

PRESIDENT: The objection is over ruled.

INTERPRETER: May I have the question.

(The question was read by the reporter.)

A Well, where Szymcak was at the execution of the 12th of March, I do not know.

Q It is a fact that Szymcak became a prisoner in the bunker at a later date, is it not?

A Well, I heard that Szymcak, in his capacity as camp eldest, committed theft in the post office and he was transferred to Ellrich and there he is supposed to have beaten to death a certain Doering, who was an interpreter. And at that time Szymcak came back to the bunker, but that was way afterwards.

Q Isn't it a fact that he never participated in any hanging until after he was a prisoner in the bunker?

A No, Szymcak became on this day, the 12th of March, camp eldest and hangman.

(Bernhardt - cross)

Take 17A-7-2-)
mkh

Q He became camp eldest because he replaced Szymcak, is that correct?

A Yes. Not because he replaced him but because the camp eldest was to be the hangman.

Did you ever see Szymcak kill a prisoner in any other way than by hanging?

A No, I know that Szymcak was a big beater.

Q Did you ever see or hear that he killed a prisoner, with the exception of Doering, other than by hanging?

A No.

Q So therefore you never heard or saw him kill anybody at an execution by hitting him with a footstool; is that right?

A That I didn't see with reference to Szymcak.

Q Isn't it a fact that this death of Doering, the interpreter, occurred as a result of a fight?

A Doering, as known in the camp as a denouncer and the same goes for Szymcak, so it must have been murder on account of competition.

Q And did you hear, or do you know whether or not they had a fight as a result of which Doering was supposed to be killed?

A No, the thing happened in Ellrich.

Q But isn't it a fact that Doering was brought to the dispensary and treated at Dora after the fight?

A Yes.

Q And isn't it a fact that it was later determined that he died as a result of an injection which was given to him by a capo in the dispensary at Dora?

A Yes, it was intended to accuse the German political prisoners of having done that.

Q Well, then Doering did not die as a result of the fight with Szymcak, did he?

A No, the headquarters doctor, Dr. Fahr, ordered an autopsy and

(Bernhardt - cross)

it was found out that he died on account of the injuries.

Q Didn't he die on account of injection?

A No, because by that the political prisoners were cleared of the suspicion that they had done something.

Q There was an accusation though, was there not, to the effect that this Doering had died as a result of an injection?

A Yes, this accusation was mainly being made by Szymcak in order to clear himself of the killing.

Q Isn't it a fact that Szymcak was cleared of the killing and was released from the bunker?

A No, Szymcak still remained in the bunker for a long time.

Q Was he not released from the bunker and put in charge of a detail?

A What his part was there is beyond my knowledge. I only know that whenever he appeared in camp there were arrests after his visit.

Q Isn't it a fact that these capos which you say were appointed by Brinkmann and who were relieved by criminal prisoners, isn't it a fact that all capos were appointed by the labor allocation office?

A Well, what the procedure was I do not know, but the fact remains that at the time when Brinkmann was made rollcall leader all the German political prisoners were relieved.

Q And you conclude, from the fact that the two things happened at the same time, that they were connected; is that it?

A Yes.

Q Now during this transport which you were in, Mr. Bernhardt, did you see Kogel during the transport at all?

A Yes, very often.

Q Did you see him at Osterode?

A Yes.

here"

A At the railroad embankment.

Osterode was where the sick prisoners were left behind, was it not?

A As far as I saw it, they were shot there.

Q You are sure that they were not left behind?

A Well, that was a very long train. It is possible that some other parts of the train sick people were left behind, but where I was the sick people were shot.

Q Who picked these sick prisoners up at Ellrich, do you know?

A No, that was our transport from Dora.

Q You don't recall picking up any sick prisoners at Ellrich which had been left behind by another transport?

A No.

Q Did you see Moser actually present at the place where these people were shot?

A Yes, he chased us away with a pistol.

Q Did he chase you away from the place where these people were shot?

A Yes, we were in the same place and wanted to wait for the wagon in order to load up the food.

Q You are sure that was not Capt. Sell that did that?

A I did not know him.

Q Now on this forced march you say that the criminal prisoners were armed; is that correct?

A Yes. They were armed already in Dora.

DEFENSE COUNSEL: This would be a good place to stop, if the court please.

PRESIDENT: The court will recess until 1330.

(Whereupon the court recessed at 1155 hours.)

AFTERNOON SESSION

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all members of the court are present, all of the accused are present, with their regularly appointed defense counsel, the prosecution and defense are represented by counsel, the reporter and the interpreter are present. At the end of the last session the witness Bernhardt was under cross examination.

ALFRED BERNHARDT, called as a witness by the prosecution, having been previously sworn, resumed the stand and testified further through an interpreter as follows:

PRESIDENT: The witness is reminded he is still under oath.

WITNESS: Yes.

CROSS EXAMINATION (continued)

QUESTIONS BY DEFENSE COUNSEL:

Q Do you recall, Mr. Bernhardt, we were talking about, at the end of the last session, this transport of which Woeser was in command. Did you know in camp Tore the administration leader Bremneis?

A Yes, very little; just by sight.

Q Isn't it a fact that he was in charge of all supplies for the whole camp?

A Yes.

Q And one of his duties was to supply the food?

A Well, I couldn't look into this system that far; I didn't have that much of an insight.

Q Did you know or did you hear, that Bremneis was supposed to supply the food to these prisoners who went on this transport?

A For this transport? I didn't know that.

Q Now you stated that the criminal prisoners were armed, and I believe you added that they had been armed since they left Dora?

A Yes.

Q Did you know the prisoner Roman Krung?

A Yes.

And was he armed on this transport?

A If Roman Krung was armed, I cannot say.

Q Do you know anything about this commando 110?

A Yes, these prisoners who were armed, these criminal prisoners, these criminal elements, they were known as commando 110.

Q And they shot some of the prisoners, didn't they?

A Well, who shot them. I only saw the dead bodies lying.

Q You didn't know who shot these dead bodies, is that it?

A I didn't see who did the shooting.

Q So it might have been members of this gang, Commando 110, or it might have been the SS., is that right?

A Those in Osterode at the railroad siding, those were the SS.

Q Did this shooting at Osterode occur after the foot march had begun and the shooting had started, or did it occur before the foot march had been started?

A A part of them had already marched off.

Q And isn't it a fact that Koeser was at the head of the column?

A No, because we were the last ones on the railroad siding and there I saw Koeser.

Q Now did you see Koeser's wife on this transport at all?

A Yes. There were various members of families there. Who his wife was I do not know; I presume that his wife was present.

Q Now isn't it a fact that Roman Krung was the one who armed this Commando 110?

A That I can't believe, that a prisoner would have been able to arm prisoners.

Q Did any prisoners try to escape on this transport?

A In my railroad car, no.

How about in some of the other cars?

A I had no connection there.

Did you know, or did you hear, that any of them tried to escape.

A I only heard from one of my comrades, a South Tyrolian, but he was shot in the railroad car without reason.

PRESIDENT: The witness will face the court when answering questions.

Q Did you see any prisoners who died of starvation or exhaustion, or thirst on this transport?

A Yes, the dead people which we had in Magdeburg were all people who had died from exhaustion.

Approximately how long was the transport when it was on this foot march, do you know?

A That was from six in the morning until one o'clock at night.

I am speaking of how far out was it spread along the road in kilometers?

A I never saw the head.

Do you know, or did you hear, how long this column was?

A That I can't say.

Could you see the head of the column from where you were?

A No, that was mountainous country and therefore I could not see the head of the column. I was always toward the end.

Q You worked for the major portion of the time that you were in Dora in the prisoners' kitchen, did you not?

A Yes.

Q You had occasion, during your work in that kitchen, to observe the food which was issued to the prisoners, both in the camp and in the tunnels, did you not?

A Yes.

Q Will you tell the court just wh t those rations consisted of? Tell us what the prisoners were given for breakfast, for lunch, for supper, and any additional rations that they were issued, if any.

Yes; in the morning there was coffee.

Q How much?

A A quarter of a liter. At noon we received one liter, for the most part. The noon meal consisted of turnips and potatoes. At times there were also noodles.

Is that all you had for midday meal?

A Yes.

Q How about the evening meal?

A In the evening we had 25 grams margerine, 25 grams wurst, or 50 grams sausage, and 300 grams bread. Instead of sausage there was also turnip salad, or also cheese.

Q Did you have occasion to watch this food as it was being prepared?

A Yes.

What was the quality of the food?

A The prisoners tried to make the meal as tasty as possible, even the kitchen chefs who were there. It was not possible to do anything more with these primitive qualities.

Q You did not serve any food that was spoiled, did you?

A Well, the sausage; in the summer we didn't have any icebox, often the sausage was bad in the summer already.

Q Did you get these 25 grams of margerine every day?

There were days when the delivery was not made, particularly during the latter period.

Q Generally speaking this was a regular daily ration, was it not?

A Yes.

Q Was there any additional ration, to the one which you have

mentioned, issued to the heavy workers?

A Yes, there was a period of time when the tunnel details received heavy workers' additional rations.

Q And what did the additional rations consist of?

A It consisted of 25 grams margerine and 25 grams or 50 grams sausage. That was given twice a week.

Q And can you remember the approximate date when this extra heavy workers' ration was first instituted?

PROSECUTION: Just a moment. I would like to call the courts attention to the fact that these are subject matters not covered under direct examination. I have not taken objection to them, I have not insisted that the Defense make the witness their own witness, but I do think I have a right to request that not such leading questions be asked.

DEFENSE COUNSEL: We are practically finished with this line of questioning; I just want to ask about two more questions on it.

PROSECUTION: All right, I will yield. Let him go ahead.

What was my last question? I will reword it.

(The question was read by the reporter.)

Q Is there an objection to that specific question?

PROSECUTION: Let it go.

A Yes, that must have been in March 1944. I can't remember the exact date.

Q Do you know whether in the kitchen there was at one time employed one or two prisoners who were Jehovah's Witnesses?

A Yes.

Q Do you know their names, please?

A I knew them very well, but I don't remember their names.

Q Now you mentioned at one point that several members of the SS came in the evenings for food in the kitchen?

A Yes.

Q And I believe you gave their names. Would you mind repeating those names again?

A Yes, it was always the same, practically.

Who were they?

A That was Jacobi, and several times Lettmers came; Moeser.

Was the accused Prinkmann ever among those present?

A Seldom.

Q Now what were the prisoners given to drink in the tunnel?

A Coffee and tea.

Did they have any water of any kind to drink?

A I believe not.

Q Do you know whether any mineral water was given to them?

A When I was down in the tunnel, that was from August until the beginning of December, there was no water in the tunnel.

Q When you were working in the kitchen did you hear that mineral water was taken in to the prisoners in bottles?

A Yes, I can remember that that happened once.

Q Did you know or did you hear, that they were some times served tea with rum?

A Yes, that was for a short period.

DEFENSE COUNSEL: I have no further questions.

REDIRECT EXAMINATION

QUESTION BY PROSECUTION

Q Will you tell the court just what Koenig said or did during the shooting of the first six Italian prisoners of war?

A As far as I can remember, that was: "Ready, aim, fire."

Q Did you know Moeser's wife?

A No.

Q How could you tell if she was with him on this transport or not?

A Well, the prisoners talked about that Houser's wife was present there.

Q These baths where you saw the bleeding prisoners, were there any SS people there during the time the prisoners were taking a bath?

A Yes, the corresponding guards.

Q Were any of the accused present, that you remember?

A No.

Q Who shot this South Tyrolian that you said was shot in your car? Was shot in some car?

A An unknown guard.

Q Have you any idea what the strength of that transport was when it left Fora?

A About four thousand.

Q Can you tell the court how many lived to reach Ravensbruech?

A I can't remember exactly how many there were but we were very decimated when we arrived at Ravensbruech?

Q Now you were talking about the additional ration that the heavy workers in the tunnel got and I think you mentioned that twice a week they got 25 grams of margerine and twice a week they got 25 grams or 50 grams of sausage. Was that correct?

A Yes.

Q Do you know how many bottles of mineral water was sent to the tunnels?

A That I don't know. I only heard that from hearsay.

PROSECUTION: Nothing further.

(Fernh rdt - redirect)

Pld-170-1

RECROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q Now in March of 1945 I believe you testified that there were hangings conducted and that at that time there were three gallows in operation, is that right?

A Yes.

Q Now isn't it a fact that the other two gallows were operated by capos?

A Yes, those were members of the commando 110 and they also participated therein.

Q Do you know who the leader of this commando 110 was?

A Yes. I believe his name was Hans Guth.

Q Isn't it a fact that Roman Trung was one of the leaders of that Commando 110?

A I do not know if Roman Trung belonged to this commando?

Q Did you know or did you ever hear that Roman Trung was an informer for the SS?

PROSECUTION: I pray the court's judgement. That goes far beyond the bounds of the original examination and it is not recross examination eit

PRESIDENT: The objection is sustained. The witness will not answ the question.

QUESTIONS BY DEFENSE COUNSEL:

Q Isn't it a fact that the men who worked as painters in the tunnel received additional rations of milk?

PROSECUTION: Same objection, may it please the court.

PRESIDENT: The objection is overruled.

(Bernhard-recross)

A Yes that was a very small detail of six, eight or ten men who received milk because they worked with acid.

DEFENSE COUNSEL: I have no further questions.

PROSECUTION: Nothing further.

PRESIDENT: There are no questions by the court.

PROSECUTION: May the witness be excused, may it please the court? He has been here around three or four weeks. I would like him permanently excused.

DEFENSE COUNSEL: No objection.

PRESIDENT: The witness may be permanently excused.

(Thereupon the witness was excused and withdrew.)

PROSECUTION: We are about to call a new witness.

PRESIDENT: Before he comes in you (addressing defense counsel) may rearrange your accused.

PROSECUTION: The prosecution calls as its next witness Pierre Segelle. He will be examined by Captain McGarry.

PIERRE SEGELLE, called as a witness by the prosecution, being first duly sworn, took the stand and testified through a French and German interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY CAPTAIN MCGARRY:

Q State your full name?

A Pierre Segelle.

Q Your address?

A 48 Rue Manin, Paris.

Q Your occupation?

A I am deputy of the Loiret Department and a party member.

Q What is your age?

A 48 years old in one month.

Q What is your nationality?

A French.

Q Doctor were you ever an inmate of a concentration camp?

A Yes.

Q What camps were you an inmate of?

A I was in Dachau, right here, then in Neckargerach and Bruttig, Fora, Ellrich and Oranienberg afterwards.

Q Doctor what schools have you attended?

A I am an MD at the Paris Faculty. I have a masters degree in science. Then I was named medical doctor at the Hospital of Orleans.

Q Have you ever practiced medicine doctor?

A For 16 years until the war.

Q What type of medical practice did you engage in?

A General practice.

Q May I have the date, again doctor, when you went to Ellrich?

A 28 September, 1944.

Q How long did you remain there?

A Until 5th April, 1945.

Q Did you have any duties at Ellrich?

A I was doctor at the dispensary.

Q Which dispensary was this?

A At the medical dispensary of Ellrich. The medical hospital because there was one surgical hospital and then there was the medical consultation dispensary which was called "Ambulance".

Q By my last question, Doctor, I meant were you a doctor at the SS Hospital or at the inmates hospital?

A At the inmates hospital.

Q What can you tell me about this hospital?

A When I arrived we were several doctors at the medical dispensary

(Segelle-direct)

The surgical hospital had as surgeon a man named Yup who was not a surgeon by profession, who was not a doctor but had been a baggage carrier at the Cologne Railroad Station.

Q As a surgeon do you know whether this Yup ever performed any surgery?

A Yes. Those operations were simple. They were either amputations or opening up of abscesses. He had no operation table or any means of sterilization. He just operated on a wooden table with instruments which were not cleaned right in the middle of the dispensary.

Q When was this Yup in the surgery? What month? What year?

A He was there when I arrived in September '44 and he left for Dora in November '44.

Q Can you tell me anything further about the dispensary?

A Yes. The sick went, about three hundred of them each day, for sick call. We only had ten free beds each day and in order to make some room every two or three days the wing leader would throw out some sick people who were still sick and who sometimes came back at night dead. At the beginning the dispensary, until the end of December or first of January was installed in an attic without any air or any light or any windows. The sick were, at that time, two on each bed with one blanket and kept their shirts. Nevertheless twice, in order to delouse them they were stripped for a whole day. The Doctors themselves were also naked during this day in the same manner. The next day the clothes which had gone through the boiler were given back in any old way. Everybody got dressed again but as the straw mattresses had not been disinfected after a half hour everybody had just as much lice as before.

After the 31st of December or the first of January in the new dispensary, which was a very clean barrack, the sick were three on a straw mattress, on a bed, completely naked with one blanket for three. They were

(Segelle-direct)

so much one against the other that they were not very cold and most of them having been admitted while they were dying never ver well realised what went on in the dispensary.

The principle cause of their death was exhaustion, becau e of insufficient food, because of work which as too long and dysentery, Diarrhea. This dysentery was not caused, probably not caused by microbes or infection but by the completely insufficient food.

The regime of the sick was the following: For the ordinary sick, for instance the ones who had pneumonia, it was the usual regime of the camp, that is to say extremely poor, until the month of February there was one soup a day, some bread and some margarine, but the bread gradually went down. At the beginning a bread of two hundred grams was for four. Afterwards it was a ball for 10. Then in February and March there were some days where it failed completely. Some times for several days in a row. Each time the number of dead increased very notably. For the sick who were suffering from Diarrhea they gave them "Schleim" which was a soup made out of barley without sugar or salt. Half a liter in the morning and half a liter in the evening. We also received a few rations of a diet soup several times a day. That soup was much better. We had to give it first to the sick of German nationality and very little was left for the others.

Q Excuse me Doctor, we will go back to these conditions later.

I would like you to look around the courtroom and tell me which of the accused, if any, you can identify?

A I think I know one of them but I will have to look at him very closely because I have very bad sight.

Q Put your glasses on Doctor and walk over to the dock.

A This one. (Indicating)

Q What is his name Doctor?

A Brinkmann.

(Se-elle-direct)

pld-170-8

CAPTAIN MCGANNY: Let the record show that the accused--the witness has identified the accused Brinkmann wearing placard number three.

Q Where do you know Brinkmann from?

A At Ellrich.

Q What was his position at Ellrich?

A He was Protective Custody Camp Leader.

Q Do you know what his rank was Doctor?

A Master Sergeant.

Q What can you tell the court about Brinkmann?

A Brinkmann was very much feared by the men. I did not see him kill or beat somebody but I saw him do something which is a murder just the same.

In the month of March, 1945 the lack of food was very great. We had a great many deaths and we piled the bodies behind the dispensary behind the place where I was. There was a wooden barrack in which to place the bodies. When it contained 20 to 25 corpses it was full so we just made a pile of bodies next to us. These corpses were not very appetising but one morning we noticed that a thigh had been cut with a knife and that meat and muscle had been taken away. We established a watch at night and a young Pole was caught. Brinkmann had the young Pole brought into the front of the pile of bodies and invited a certain number of people to come an watch. A certain number of other people were looking through the windows of the dispensary and watching. Exactly, from room three of the dispensary. There were three rooms there.

I was there and I saw and heard what I am saying.

Brinkmann asked the Pole, "Did you eat human flesh already?" The Pole answered, "Yes." Brinkmann asked him, "Would you eat some more now?" and the Pole answered, "Yes." Brinkmann said, "Eat some in order to show us that you can eat some." The Pole then took his knife out cut another piece of meat and ate it. Then Brinkmann said to him, "Could you eat any part of the body?" The Pole answered, "Well that depends what. Not the intestines." Then Brinkmann asked him, "Would you also eat the testicles of that body?" "Yes." said the Pole, "But then I should need some salt." Brinkmann went for some salt at the kitchen. Then the Pole took his knife out, opened

the purses and ate the testicles with some salt.

Then Brinkmann had the young pole led to a place near the gate of the camp. The Pole remained there several hours standing. The evening roll call came around and immediately after roll Brinkmann gave him away to a few inmates who knocked him out.

Q What do you mean Doctor that Brinkmann gave the Pole to some inmates and had him knocked out?

A He made a gesture and a few men rushed and threw themselves on the Pole. Half an hour later the body of the Pole was on top of the other corpses. All I can say more about Brinkmann, it is not very much. I know that he caused some men to be beaten with a rubber hose at the morning roll call. I am not complaining particularly about myself. I was beaten very often while I worked on a construction site before coming to Ellrich.

Q Doctor do you know whether or not there was a crematory at Ellrich?

A At Ellrich until the end of February, around the 25th of February the corpses were kept for one or two days then they were piled on trucks to be taken to Dora to be burned. It must be said that Ellrich had been organized recently--I think since the month of April, no May, 1945. It was a small camp which depended of Dora.

Q What year was that?

A 1945. Then at the end of February the Ellrich crematory which was being built since a few weeks began to operate. But it contained only one oven and it didn't go fast enough. There were too many dead at that time. In order to give an idea there were 152 dead at Ellrich plus 125 which were sent dying to Dora. In March we had 1347 deaths.

Q Doctor was this crematory able to take care of all the dead bodies?

A No, and as there was only one oven a funeral pyre was organised.

Q Do you know who organized this funeral pyre?

A The first day it was some caps but it didn't work out right and they were unable to burn the bodies. On the second day Brinkmann came and he said, "I will take care of it. I am a specialist." Then he had a hole dug on the hill which was over the dispensary which measured six by six meters and one meter fifty deep. Some railroad ties were piled up there so that air could be drawn between the railroad ties. Then bodies were piled on top of that. Then the bodies were sprinkled with some old paint so that they would burn better. They set it on fire. It took two or three days because they put the fire out at night on account of airraid precautions.

It was a very strong young gypsy who was about 18 years old who took care of piling up the bodies and throwing them back into the pyre when they fell off. As a reward he was given a good soup in the evening and often a little alcohol.

Q By whom?

A I saw him eat his soup but I don't know who gave it to him. It was certainly by order of Brinkmann but I cannot say that.

Q Doctor I would like to have again the dates that you were at Ellrich.

A I arrived on 28 September coming from Lora and I left on 5th of April by the last evacuation transport from the camp going to Oranienberg.

Q On the 5th of April what year?

A '45.

Q What year did you come to Ellrich?

A 28 September '44.

PROSECUTION: The prosecution has no further questions.

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q Doctor, were you the chief prisoner physician at Ellrich?

A No. Under the authority of Doctor Schneemann who was a Wehrmacht

Doctor who was chief doctor of the camp there was a Polish Doctor, Thomas Chmeliwsky. Underneath that here weren't really any ranks but a French doctor had been designated to be chief of the French doctors. He was a student who was neither French nor a doctor. The doctors were under the authority of the capos even for medical matters and of the German chief medics which were over us.

Q Now this Doctor Schnoosmann was, you say, an SS doctor, or a Wehrmacht doctor?

A Wehrmacht Doctor. He was at first Captain then he was named Major a short time before the end of the camp.

Q Was this the medical administration at camp Ellrich subordinate to the medical officer at Dora?

A Yes, that is probably true, but I don't know to what extent. It was the chief doctor at Dora who named me to Ellrich along with another Doctor called Chaubart who replaced Yup as a doctor. But there was no comparison between the dispensary of Dora and the one of Ellrich. We had practically no medicines at all at Ellrich.

Q Do you mean by that doctor that the medical conditions at Dora were better than those in Ellrich?

A Certainly. The SS Doctor at Dora had installed an Xray department, an operation room and laboratory. If many people died at Dora it was because they were admitted too late at the dispensary. At Ellrich it was naturally the same thing but we had no means of treating people. We had no medicines and these people were filthy and miserable.

Q Doctor before you came to Ellrich did you work as a physician in Dora itself?

A No. In Dora I was considered to be a mason. One day they discovered my profession. I remained in Dora dispensary for one night only and on the

next day I went to Ellrich.

Q However during your stay at Dora did you have occasion to make comparisons as to the medical conditions and facilities in Dora with those at Ellrich?

A Naturally I was there one night. I slept at the dispensary and I was able to see that the sick were lying down and clean comparatively to the facilities of course. I also spoke with the other French doctors. I knew two of them.

DEFENSE COUNSEL: Does the court desire to recess at this time?

PRESIDENT: The court will recess for 30 minutes.

(Thereupon at 1500 hours the court recessed.)

(Whereupon the court reconvened at 1555 hours.)

PRESIDENT: The court will come to order.

CAPTAIN RYAN: Let the record show that all members of the court are present, the prosecution is represented by counsel, all of the accused are present, all of the defense counsel are present, the interpreter and the reporter are present.

The witness Dr. Segelle is on cross examination.

PRESIDENT: The witness is reminded he is still under oath.

PIERRE SEGELLE, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, continued to testify through an interpreter (French) as follows:

(Whereupon the proceedings were translated into the German language.)

CROSS EXAMINATION (continued)

QUESTIONS BY DEFENSE COUNSEL (continued):

Q Dr. Segelle, did you know a prisoner by the name of Rene Hell who was a block schreiber at Ellrich?

A No.

Q Now, Doctor, you have testified about the month of March 1945 you sent a transport of very sick prisoners to Dora. Do you recall that?

A Yes, that is correct.

Q Do you remember any other such transports of extremely sick patients who were sent from Ellrich to Dora or to any other camp?

A Frequently a transport left which consisted simply of a small truck for Dora in which we placed the most sick of our comrades so that they would not be on the death lists, or so they told us. It occurred often in November or December. In January there were about 3 or 4 transports more of that kind, but after that it was finished. In December I received the order never to place any Jews in these transports. They were supposed to stay there and die there. In January we received the order not to receive any more dying people on these transports but, on the contrary, to

place sick people who were supposed to recover. An invalid transport was prepared for at least two months, and I must say that those men who were to go on this transport were left naked. Then on 3 March 1945 a transport of 1,603 sick left. This transport was -- included about 400 sick from the dispensary, and the others were composed of men who were considered unable to work who were to be sent off by this transport also. On the three marches it was very cold. They were dressed with some old clothes and when we were able to, some coats. But once they were down in the yard somebody gave the order -- I don't know who it was -- to take off their coats. All kinds of people were there, but some were very sick, and during the time it took to arrive at the railroad station 12 had already died. We learned afterwards, but only after we were liberated, that those sick went to Nordhausen. Out of those 1603 we only know 3 who survived.

Q Now, Doctor, when you say that this transport of invalids and sick people went to Nordhausen, do you mean the Boelke Kaserne at Nordhausen?

A Yes, but I only learned that afterwards, and did not witness that. I only learned about it afterwards. From the inquiries I made afterwards I learned that many, about 200, had died there and the rest of them left for an unknown destination which we think was Bergen-Belsen, but I did not witness that.

Q Doctor, you testified that out of 1603 only 3 escaped. I believe you used the French word "echappe." Do you mean that they escaped or do you mean by that that they survived?

A They survived; they did not escape, no.

Q Now, these prisoners who went to the Boelke Kaserne at Nordhausen were bombed there, do you know that, Doctor?

A Yes, but at that time, around 3 or 4 April 1945, only a few people from Ellrich remained, and only the ones who were rescued afterwards. Those who remained -- and I knew a few of them -- came from Dora and other places. But that really does not consist of a testimony. Those were really some

inquiries. I did those investigations because I am President of the Association of Dora-Ellrich and as I was a minister in France it was easier for me.

Q Now, Doctor, when you arrived at Ellrich, was Dr. Schnoedmann already there?

A Himself brought me in his car from Dora to Ellrich.

Q Do you know of a transport, Dr. Egelle, which Dr. Schnoedmann left at Ellrich and which was later attached to the transport commanded by the accused Boehert?

A No.

Q Do you know whether or not by Dr. Schnoedmann's orders a large group of very sick prisoners who were supposed to leave in a transport in the evacuation of Dora were left behind at the railroad station?

A No.

Q Were you on the evacuation transport from Ellrich?

A Yes, on 5 April there were three transports which evacuated Ellrich. I left by the last one on 5 April, which lasted 11 days and which went to the Heinkel Factory near Oranienberg, and approximately half the transport died during 11 days. We hardly received anything to eat except during the first day; we hardly received anything to eat during the rest of the days. It was Gaudeck and Pinkert who commanded the transport, who were two SS men.

Q And, Doctor, didn't any of these three transports which left Ellrich leave behind some sick people at Ellrich?

A I heard about it but I did not see it. Not in the dispensary but it seems that some remained in the convalescent block. The convalescent block was a block which had been organized in order to get rid of the convalescent people of the dispensary. It comprised three wings -- Wing A, Wing B, Wing C. Wing C was reserved for the ones who, being unable to work

had to be gotten rid of in order not to use up the rations of the other people.

Q Did you not hear, Doctor, of some of these sick people being left behind in railroad cars?

A No.

Q Doctor, when you arrived was Brinkmann already camp leader at Ulrich?

A I think so, but it took a few days before I was able to know everybody and I cannot say that for sure.

Q During your service at Ulrich, did you have occasion to observe the conduct and actions of Brinkmann?

A Yes, because I was not allowed to leave the room of the dispensary except for the morning roll call when they came demanded that I go and pick out the sick who were able to perform some light work.

Q Now, Doctor, in your undergraduate and in your graduate studies in medicine, you took a number of courses in abnormal psychology, did you not?

A Yes, certainly.

Q And in your 16 years of practice as general practitioner you have had ample experience in observing people who were not completely sane, have you not?

PROSECUTION: I pray the court's judgment on this line of inquiry. They want to prove that Brinkmann was insane and not responsible for his actions, and there is a way set out in the manual so to do.

PRESIDENT: The objection is sustained. The witness will not answer the question.

QUESTIONS BY DEFENSE COUNSEL:

Q Doctor, in your opinion, based upon your observations of Brinkmann and based upon your observations of this incident which you have related in this court, was Brinkmann sane or not?

PROSECUTION: I pray the court's judgment.

DEFENSE COUNSEL: If it please the court, we have here a witness who has had occasion to observe the accused. He is a man who is a general

practitioner, a man who can give an opinion of the actions of the accused. I realize that in order to prove it he must have a psychiatric examination, and I am going to be a hired one, but I don't believe that the court should forego the testimony of a man who was on the scene and saw the man.

PRESIDENT: The objection is sustained. The witness will not answer the question.

DEFENSE COUNSEL: If it pleases the court, then at this time the defense would like to make a motion requesting that a psychiatric examination be given to the accused Brinkmann, that a psychiatric examination be given to the accused, Killen; the motion on Brinkmann is based upon the testimony given by this witness up to this point as to Brinkmann's actions and as to the personal observations of the witness of Brinkmann's actions. Furthermore we wish to have this witness available when the accused are examined by the psychiatrist. Since he was present at the time the alleged crimes were committed, therefore, he should be present to give testimony as to the accused's actions at that time.

PROSECUTION: I am certainly going to object to this. This man is a member of the government of a friendly government. He is a member of the cabinet, and his testimony is a matter of record. And in the second place, they have had a long six weeks to have this man examined. They know about this story long before it came out in evidence, so did I, and I am certainly going to object to keeping this man here, who thought when he came here that he would be put on the stand—I know I had no right to promise this man—they have been driving me mad to let this man go. I have no guarantee as to keeping him in camp after today or tomorrow. This court could make him testify before the court, but I don't think they could make him testify before a psychiatrist.

PRESIDENT: The motion of the defense as to a psychiatric examination of the accused Brinkmann and the accused Killen is granted.

and the accused may be subjected to such proper examination. The question of compelling this witness' attendance at such an examination is beyond the province of this court.

DEFENSE COUNSEL: I have no further questions, sir, on that.

REDIRECT EXAMINATION

QUESTIONS BY CAPTAIN HOGARTY:

Q Doctor Segelle, on cross examination you stated that an order was given not to send Jews on transports, that they were to die at Sillrien. Do you know who gave that order?

A No, No. A capo transmitted it to us, but we don't know if he gave the order or if it was somebody else. The capo while transmitting the orders to us said to us at the same time, "What would we look like if we tried to save people like that?"

CAPTAIN HOGARTY: If it please the court, the prosecution requests a recess in place for about three minutes.

PRESIDENT: The court will recess in place.

(Whereupon at 1630 hours the court recessed in place.)

* * * *

(Whereupon the court reconvened at 1638 hours.)

PRESIDENT: The court will come to order.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q Doctor, on the day that this incident happened with the Polish cannibal as you have described to the court, on that day in your opinion was Krankmann insane or was he merely a savage beast?

DEFENSE COUNSEL: If it please the court, I object to that question for the reason that it is leading, suggestive, putting words in his mouth. It is improper examination on at least four different legal points.

PROSECUTION: I will withdraw half the question, sir.

QUESTIONS BY PROSECUTION:

Q In your opinion on that particular day was Brinkmann insane, or was he aware of what he was doing?

DEFENSE COUNSEL: I am going to object to the second half of that question. The test of insanity is not whether he knows what he was doing.

PROSECUTION: It is the difference between right and wrong.

DEFENSE COUNSEL: That is different. It wasn't what he was asked.

QUESTIONS BY PROSECUTION:

Q On the day that that happened, in your opinion did Brinkmann know the difference between the rightness and wrongness of what he was doing?

A He know very well that he was doing wrong.

Q How do you explain his actions?

A Brinkmann's actions were part of a whole plan. Everybody knew that at Allrich everybody was supposed to die there, and die there slowly and with vengeance. Never at any place did they try to get us out of our misery. When the dispensary at Lore appeared to be better than the one at Allrich, that is because Allrich was an inferno, and it is because the installations were older and that the French doctors were able to manage the best they could by themselves. No order was given that one place should be better than another. Everywhere one was supposed to die.

PROSECUTION: Your witness.

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q Doctor, you have testified on redirect examination that in your opinion the accused Brinkmann at the time of this incident knew the difference between right and wrong?

A Certainly.

Q As a doctor, can you tell the court that a man who is capable of an incident such as you have described is normal?

A Then Hitler and all the SS must be declared to be sane; none of them are responsible.

Q Well, now, Doctor, would you please answer my question, was Brinkmann normal or abnormal on that occasion

PROSECUTION: I pray the court's judgment. That is not the question. The question is, did the man know the difference between right and wrong.

DEFENSE COUNSEL: If it please the court, that is only one of the few tests of sanity and insanity. There are some others.

PRESIDENT: The objection is overruled.

THE WITNESS: I say normal.

QUESTIONS BY DEFENSE COUNSEL:

Q In your opinion then, Doctor, that was a normal action, the action of a normal man, is that correct?

A In any case that was the act of a normal SS because they had that sort of thing on many occasions. For an American or Frenchman that is certainly not a normal thing; they have a different education.

Q Doctor, it is not a question of an American or a Frenchman you are speaking about now and I am asking you a question about as a doctor, as a member of a profession which is the same all over the world for a doctor—was that man's action normal whether he be French, German, or Hindu?

A Medically, a man ceases to be normal when his behavior changes. The behavior of Brinkmann was always the same.

Q Are not the actions of an abnormal man consistently abnormal?

A No. One can see abnormal men who are normal at times. That would be an exception, but in Brinkmann's case that was not so. He performed that act as something usual which was a part of his ordinary life.

Q And, Doctor, a man who performed an act like that as part of his daily life, according to medical opinion, is that man sane or insane—by medical standards, please?

A He is recognized normal and responsible.

(Sodlic-Koerner)

Q Then your testimony is, Doctor, that a man who acts in that way as part of his normal life is sane, is that correct?

A That is being spoken, that is true. All the criminals and all the robbers say that they acte that way because [illegible] Does the defense believe that doctors accept an easy explanation?

DEFENSE COUNSEL: No further questions.

PROSECUTION: Nothing further by the prosecution.

COLONEL DIXON: I would like to ask a question.

PRESIDENT: Questions by Colonel Baron.

EXAMINATION BY [illegible]

CROSS-EXAMINATION BY MEMBERS OF THE COURT:

Q At the time of the supervised examination by this Pole, in your opinion was the accused Brinkmann mentally capable of determining right from wrong?

A They had the right of life and death on us. Yes, they were allowed to torture us. It was the right they had to do.

I would like for the witness to answer my question.

PRESIDENT: I don't think the witness understood the question. Will you interpret the question again?

COLONEL DIXON: The reporter will please read the question.

(Thereupon the reporter read the last question, "At the time of the supervised examination by this Pole, in your opinion was the accused Brinkmann mentally capable of determining right from wrong?")

THE WITNESS: Yes, he knew very well that he was doing wrong.

PRESIDENT: There are no further questions by the court.

PROSECUTION: May this witness be permanently excused?

DEFENSE COUNSEL: May I request that the decision of permanently excusing this witness be delayed until tomorrow morning to give us an opportunity to see if we can consult with the psychiatrist and describe to him his experiences?

PROSECUTION: I will yield to that.

PRESIDENT: The court's decision on ordinarily excusing the witness will be postponed until tomorrow. The witness may be excused for now.

(Thereupon the witness was excused and withdrew.)

PROSECUTION: We have another witness, may it please the court, but it is so close to closing time—does the court desire to begin now or shall we adjourn until tomorrow morning?

DEFENSE COUNSEL: I would like to join that motion, if it please the court. I understand that the psychiatrist is here and I would like to talk with him myself.

PRESIDENT: The court will recess until 9 o'clock tomorrow morning.

(Thereupon at 1645 hours the court adjourned until 0900 hours, 3 September 1947.)

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Repulse

MILITARY GOVERNMENT COURT

CASE RECORD

VOLUME 18
Pages 1208 - 1275

CASE NO. 000-50-27

PROSECUTOR Lt. Col. W. Berman

*SUMMARY
INTERMEDIATE (LIST IN COURT
GENERAL

DEFENSE COUNSEL Maj. L. Pavillada

INTERPRETERS Simon Wiesenthal
Molly Sin Ge
George Converse

PLACE Dachau, Germany

REPORTERS Peter L. Di Curti
Gloria M. Spears
Mabel D. Holt
Eunice L. Hasdorff

DATE 3 September 194 7

WITNESSES

COLONEL MA IEN LESCHI

PAUL EMILE CATON

GEORGES KASSIMATIS

ACCUSED ANDRAE ET AL

ADDRESS _____ SEX _____ AGE _____

	FIRST CHARGE	SECOND CHARGE
PLEAS		
FINDINGS		
PREVIOUS CONVICTIONS		
SENTENCE — IMPRISONMENT	(TERM _____ (BEGINNING _____ 194 _____	
SENTENCE — FINE	AMOUNT _____ TO BE PAID BEFORE _____ 194 _____ FURTHER TERM OF _____ IMPRISONMENT	

CHARGE SHEET AND RECORD OF TESTIMONY ARE ANNEXED HERETO.

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SIGNATURE OF RECORDER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY _____

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SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

in trial of

THE UNITED STATES versus ARTHUR KUNI ANDRAE ET AL

by

GENERAL MILITARY GOVERNMENT COURT

tried at

CAMP DACHAU, GERMANY BEGINNING 7 AUGUST 1947

3 September, 1947 Pages 1208 - 1213

T E S T I M O N Y

WITNESS:	Direct	Cross	Redirect	Recross	Court
C. LOWEL WARREN LESCHI	1208	1228	1254		1255
PAUL EMILE CATON	1257	1264			
GEORGES KASSIMATIS	1267				

MORNING SESSION

(Whereupon the court reconvened at 0930 hours, 3 September 1947.)

PRESIDENT: The court will come to order.

LIEUTENANT JUDGE: Let the record show that all the members of the court are present; the prosecution and the defense are represented by counsel; all of the accused are present; the court reporter and court interpreters are present. The prosecution calls as its next witness Colonel Marian Luschi.

DEFENSE COUNSEL: If it please the court, I would like to announce for the record that the defense has no objections now to the Government release of the last witness, Doctor Segelle; Also that the arrangements have been made for a psychiatric examination to be given to the accused Killian and to the accused Brinkmann tomorrow morning, and it is my understanding that the trial can proceed with me in absentia.

PRESIDENT: For the record it will be noted that the witness, Segelle, has been permanently excused.

PROSECUTION: I was just thinking, I don't anticipate, may it please the court, that any witnesses between now and tomorrow will involve either Killian or Brinkmann, and consequently I wonder if the psychiatric examination can be held on Friday because I expect to ask the court to recess Thursday until the following Monday, and I am hoping that the court will grant that, but I put out that suggestion now so that if it were done Friday there could not be any interruption with the normal prosecution of the case--assuming that it could be arranged for Friday--I don't know the case.

DEFENSE COUNSEL: My information is that the clinical examinations are conducted only on Tuesday and Thursday at the 98th General Hospital, so that if it could not be done tomorrow, it would have to wait until the following Tuesday.

PROSECUTION: I will try to adapt the prosecution to the circumstances.

COLONEL MARIAN LASCHI, called as a witness by the prosecution, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY LIEUTENANT JONES:

Q Will you state your full name?

A Leschi, Marien.

Q And where do you live?

A In Paris.

Q And what is your nationality?

A Frenen.

Q And what is your profession?

A I am an active officer. I am a colonel in the army. I am now director of the services of the Frenen radio.

Q Were you ever an inmate of a concentration camp?

A Yes.

Q And where were you an inmate?

A I arrived at Buchenwald camp on 29 January 1944, and then I was transferred to Dora camp on 15 March 1944.

Q And in what country is Dora?

A Dora is near Nordhausen in the Harz.

Q And in what country is that located?

A In Thuringia.

Q In what country--in Germany, France, Austria, Belgium--what country is Dora located in?

A In Germany.

Q Now, while you were at Dora what were your duties?

A When I first arrived at Dora I was first employed on a construction work in a detail which was building a road.

Q After you were on that detail what did you do?

A In that detail I worked with a shovel and a pick.

Q After you were on this construction detail, what were your duties?

A I was for about 10 days in quarantine because there was some typhus in the camp, then I worked again for a few days inside the camp as a construction worker at the bunker. Then beginning in March 1944 I worked as an electrician at the building, repairing and keeping in order the whole PA system of the camp.

Q Now, when you were an electrician in the camp at Dora, where was your place of work located?

A I worked in all the blocks of the camp and I had a small workshop in the first building on the left as you went in the camp in a building where the post office and the camp chief's office were also located.

PROSECUTION: I am sorry, I question the translation. It was "the post office and the roll call leader's office".

INTERPRETER: I am sorry, "roll call leader".

QUESTIONS BY LIEUTENANT JONES:

Q Were you a prisoner of war?

A No.

Q I am going to ask you to stand up and look about the room and see if you can identify any of the accused that are present.

A The first one, Koenig (indicating).

Q Would you step over to the dock closer so that there is no doubt whom you are pointing to?

A The first one here, Koenig (indicating).

LIEUTENANT JONES: Let the record indicate that the witness identified Koenig, wearing placard Number 11.

THE WITNESS: The second one is Maisonein (indicating). He was at the SS dispensary.

LIEUTENANT JONES: Let the record indicate that the witness identified Maisonein, wearing placard Number 12.

THE WITNESS: The third one is Moser (indicating). He was camp commander--protective custody camp commander.

LIEUTENANT JONES: Let the record indicate that the witness identified Moser, wearing placard 13.

THE WITNESS: This one is Simon. (Indicating)

LIEUTENANT JONES: Let the record indicate that the witness identified Simon wearing placard 16.

THE WITNESS: This one is Salemke (indicating). He was a guard of the bunker.

LIEUTENANT JONES: Let the record indicate that the witness identified Salemke wearing placard 18.

THE WITNESS: Zwiener, Willi (indicating).

LIEUTENANT JONES: Let the record indicate that the witness identified Zwiener wearing placard 19.

THE WITNESS: He was camp eldest. Killian (indicating).

LIEUTENANT JONES: Let the record indicate that the witness identified Killian wearing placard 1.

THE WITNESS: Jacobi (indicating).

LIEUTENANT JONES: Let the record indicate that the witness identified Jacobi wearing placard 9.

THE WITNESS: This one is Detmers (indicating).

LIEUTENANT JONES: Let the record indicate that the witness identified Detmers wearing placard 6.

THE WITNESS: This one is Brinkmann (indicating).

LIEUTENANT JONES: Let the record indicate that the witness identified Brinkmann wearing placard 3.

THE WITNESS: This one is Braun (indicating).

LIEUTENANT JONES: Let the record indicate that the witness identified Braun wearing placard 8.

THE WITNESS: And this one is Andrae (indicating).

LIEUTENANT JONES: Let the record indicate that the witness identified Andrae, wearing placard 1.

THE WITNESS: Chief of the post office. I don't recognise the others.

QUESTIONS BY LIEUTENANT JONES:

Q Now, you identified Andrae, what do you know about Andrae at Dora?

A Andrae was the chief of the post office, and because of that he can be held responsible for the looting of the packages which were destined to the prisoners.

Q Upon what do you base your accusation that Andrae looted packages?

A I saw personally, because we had our workshop next to the post office, what took place when the packages arrived.

Q What took place that you saw?

A When the packages arrived they were spread out on a table and the SS opened them on the pretext of censorship. Underneath the tables were a certain number of wooden boxes where the SS placed whatever interested them. There was a box for the tinned food. There was a box for the sugar. There was a box for the chocolate. And there was a box for the soap and so on.

Q How long did those boxes remain at the post office?

A Those wooden boxes were in the post office permanently, and every time that the verifying of the parcels was finished, whatever those boxes contained went over to the SS.

Q How do you know that they went to the SS?

A The contents did not go completely to the SS but I saw next to the room of the SS a box which was full of tinned food.

Q Did you ever go to the post office in your work?

A Very often, and I must tell the court that every time that there was an arrival of parcels the electric system and the PA system went out of

order because we wanted to go, myself and my comrades, there in order to receive something or take something for ourselves from the parcels. This allowed us to alleviate during the evening the misery of our comrades by giving them one sardine or one cigarette or one piece of chocolate.

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Q How often did packages arrive at the post office?

A That varied a lot. At the beginning these packages were sent to Buchenwald. They bore the address of the Buchenwald Camp and then they also bore the address of Buchenwald by the indication Block 17. Then they came directly to the address of the Post Office of Sangerhausen. That is a town which is near Nordhausen. That was the Post office of the camp. We received parcels, parcels arrived approximately once every 10 days, but that varied a lot.

Q Now you say packages came every ten days. Did you have an estimate of how many packages arrived on these days?

A That varied also alot. It varied between a few hundred and a few thousand.

Q Now you stated that these packages contained canned goods, sugar and coffee. Did they contain anything else?

A Yes.

Q What?

A They contained sometimes some bread or some dry biscuits and also some warm clothes, some underclothes.

Q Now after these packages had gotten into the Post Office what happened to the clothing?

A I would like to give the court an example which I saw with my own eyes. During the month of February, 1943 an arrival of about 2300 parcels arrived at Dora Camp coming from the French and Belgian Red Cross. These packages were unwrapped at the Post Office. They contained some woolen underclothes, some woolen shorts. The underclothes were placed in packages, the shorts were placed in packages, the socks were placed in packages and the whole thing was sent to the SS clothing warehouse. As to the cardboard boxes they were crushed and sent directly to the waste paper recuperation.

Q Did you ever see that--when did you see that clothing again?

(Leschi-direct)

A I never saw them. I know that they went to the S3 clothing warehou but I never saw them again.

Q Who did this to these packages?

A The chief of the Post Office.

Q Who was that?

A Andrae. I must add that it was very cold at the time these operations took place.

Q How cold was it?

A During the month of February, 1945 at Lora the temperature was minus 14 or minus 15. That is 14 or 15 below zero, below the freezing point.

Q How were the prisoners dressed at this time?

A They were very badly clothed.

Q What do you mean by very badly clothed?

A They had a shirt and a pair of shorts and on top of that they had a pair of pants and a jacket which had blue stripes--which was made out of fibrain, that is wood fibre. They also had--some of them, not all--a coat and a pullover made out of the same material.

DEFENSE COUNSEL: If it please the court, I may have misunderstood but I believe "Plus part"--I may be mistaken, but doesn't that mean "most of them" rather than "some of them"?

INTERPRETER: Most of them had a coat and a pullover.

Q By a coat do you mean an overcoat?

A It was a very little piece of clothing which was not or which did not have any lining. It was more like a bathrobe than an overcoat.

Q How many packages were sent you?

A I would like to tell the court first that if I am here it is not to complain about myself personally just as my comrades who came from France. We came here in order to carry out our duty towards our comrades who stayed in

(Leschi-direct)

those camps. As far as I am concerned, I thank God because I was able to change my occupation of construction worker to the one of electrician. I was lucky enough to come back from there and the few packages which I received were used not only by me but also by the comrade who needed it.

Approximately 80 packages were sent to me and if I received more than a quarter of the number of packages which were sent to me I did not receive any more than 15 percent of the quantity of stuff which was sent to me. I would like to give two examples to the court. In May, 1944 I received onepackage which only contained one small piece of rotten bread which did not come from France. During the month of August, 1944 I received one package which was sent by the Social Service of the French Army. I learned later that that package weighed five kilos and when it was given to me it only contained one piece of soap. I must say that later when we went to the Post Office to repair the electricity or the loudspeaker, frankly and honestly I must say that Andrae gave us our complete packages but that was only at the end.

Q How do you account for this change of policy of the Post Office?

A Because we were there and we rendered Andrae some services.

Q Now when those packages had been placed on the table and coffee was put in one place, the canned good in one place, did you have occasion to observe Andrae.

A Andrae was the chief of the Post Office. He came and went. He organized the work. He had the SS under him and he saw that the work was effectively done.

Q Did you ever see Andrae handle any of the good that were in these different boxes?

A Andrae considered that this merchandise belonged to the SS. I would like to tell the court that for the SS the prisoners were nothing. They were just numbers and they did not have the right to possess anything, not even themselves.

Q Did you ever see Andrae give any of this food and goods to any of the SS?

A I saw Andrae give some of these goods to the SS just as I saw him give some of those goods to the capos, block chiefs and just as he gave some of them to me.

Q Now you identified Braumy. What do you know about him?

A I saw Braumy in the camp but I have nothing against him.

Q Now you identified Brinkmann. What do you know about him?

A I knew Brinkmann. I saw Brinkmann when he was roll call leader at Dora. We had our work shop next to him as I have already said and Brinkmann was friendly with another roll call leader called Knittler. They were both of them just as bad one as the other and they caused the biggest terror in the camp.

Q Now when you say that Brinkmann was bad what do you mean by that?

A Almost every day in our work shop we heard the shouts of the prisoners who were receiving in his office beatings with a horsewhip or a rubber hose on their buttocks and we saw the prisoners awaiting in the hall their turn to be beaten and we saw them come out again suffering very much.

Q How do you know that they were suffering very much?

A All you had to do to look at them. They were walking in this manner and holding themselves like this. (Indicating)

MR. JONES: Let the record indicate the witness stood up bent from his hips forward and held his hands on his back.

Q Do you know anything else about Brinkmann?

A I know also that Brinkmann stole some material and particularly some material which came from the Post Office. He asked us one day to wrap a wood box for him so that he could send it to his family in the Hamburg region, if I remember correctly.

Q What was in this box?

A There was a little bit of everything. I remember that on the top there were some jars of jam. I don't know where they came from and underneath were some supplies coming from the Post Office, some canned goods coming from the Post Office.

Q How do you know it came from the Post Office?

A I suppose that because they had the same characteristics and the same aspects as the stuff which we saw in the Post Office all the time.

Q Did you ever see any dogs at Dora?

A I saw some SS dogs at Dora. Those dogs would bite and even one day one of them bit me on the leg but I don't think this is a very important matter for the court. But Brinkmann had a dog. He was not a bad dog. He was a hunting dog coming from France and Brinkmann gave us whatever was left over from his meal and told us to go and give that to his dog and he watched himself that we did give that to his dog.

PRESIDENT: The court will recess for 20 minutes.

(Whereupon at 1000 hours the court recessed.)

(The court reconvened at 1320 hours.)

PRESIDENT: The court will come to order.

LT. JONES: Let the record show that all the members of the court are present, the prosecution and the defense are represented by counsel, all the accused are present, the court reporter and the court interpreter are present. At the end of the last session Col. Leschi was on the stand under direct examination.

COL. MARIEN LESCHI, called as a witness by the prosecution, having been previously sworn, resumed the stand and testified further through an interpreter as follows:

DIRECT EXAMINATION (continued)

QUESTIONS BY LT. JONES

Q Colonel, at the end of the last session, you were testifying about feeding Brinkmann's dog. Will you tell us what happened at the feeding of this dog?

A Brinkmann gave us some food to feed his dog with while my men and myself were starving.

Q You identified Oetmers. What do you know about Oetmers?

A I know that Oetmers was the assistant of Sturmbannfuehrer Foerschner. I saw him several times in the SS camp near his office. I saw him going around but I have nothing special against him.

Q Now you identified Jacobi. What do you know about Jacobi.

A Jacobi was in charge of the carpenter work shop in the camp and of the construction of the barracks in the camp. He was very well known for his particular brutality.

Q Do you know of your own knowledge whether he was brutal?

A I know that as the truth, because of the death of a certain number of inmates who had to carry some panels for the construction of the barracks of the camp.

Q Upon what do you base this accusation?

A Particularly in June or July, 1944, I saw a convoy of Hungarian

Jews arrive in the camp and I saw those men carrying some very heavy panels for barracks, while being beaten with rubber hose and while doubletiming. And I know because everybody told about it, and everybody knew it in the camp, that after ten or fifteen days half of those men had died.

How many men were there in the beginning?

A Among these Hungarians?

Yes.

A About a hundred, as far as I can remember.

Now you said that these men on this detail were beaten. Who did the beating?

A The capos and foremen of the detail.

Q Did you observe Jacobi with this detail?

A I saw him with this detail and I know that this detail was under him for the construction and the transportation of the barracks in the camp.

Q Did you see Jacobi beat this detail?

A No.

Q Do you know anything else about Jacobi?

A No.

Q You identified Kilian. What do you know about Kilian?

A Kilian worked at the bunker in Dora and he was in charge of the hangings. I witnessed, like all my comrades, a mass hanging which took place around 15 or 20 March, 1944, on the roll call square.

Q How far away were you from the gallows?

A About fifteen meters away. The gallows were on the roll call square and I was in my work shop.

Q And what did you observe at this hanging?

A I saw on the rollcall square two gallows with six hooks, like that one. And furthermore, there were two gallows with one hook.

PROSECUTION: Let the record indicate that when he said "Like that one", that he was pointing to the model gallows which is identified as Prosecution Exhibit No. 24. How did you observe Kilian at this hanging?

A I saw Kilian at this hanging.

Q And what was he doing?

A He placed the rope around the necks of the condemned, he pushed the benches which were underneath, and finally I saw Kilian do one of the most horrible things which I saw in the camp.

Q What was that?

A When the men were hanged it took them a long time to die because they did not fall from a sufficient height in order to break their spinal column, they died through strangulation. Men were taken down after about ten minutes. One of them was still moving. Kilian took a stool and beat on the man's skull.

Q What was the body doing after this blow by Kilian?

A He was not moving any longer.

Q How long did these bodies hang on the gallows?

A From that day about fifty men were hanged, or 55, 56 or 57, I don't remember any more, and they all arrived at the same time on the roll call square. They had pieces of wood in their mouths which were strongly attached on the nape of their necks with a wire. The 14 first ones were hanged and the other ones looked on. After ten minutes they were taken down and they were replaced by others, and so on until all of them were hanged. It lasted three hours.

Q Do you have anything to add about Kilian?

A No, I have nothing else.

Q You identified Zwiener. What do you know about Zweiner?

A Zwiener was camp eldest of the Nora camp during the spring of 1944, when I arrived there. Because of that title he took part in the hanging of those men on Easter day, 1944. He hanged them.

Q What were the nationalities of these people that were hung?

A I don't remember any more, but it seems to me that they were Russians.

Q What were the nationalities of the people that were hung by Zilian?

A It was told to me—I couldn't say for sure—that they were also Russians.

Q What else do you know about Zwiener?

A I know that he was very brutal and that he never lost an occasion to beat the men.

Q Where did you see Zwiener beat men?

A I saw him every day on the rollcall square and I saw him also while I was in quarantine.

Q What happened while you were in quarantine?

A He came to see us very often, as we did not work. We were locked up in two blocks and we did not work. He came often and I remember particularly of one morning when he came into the room of the barracks where we were piled up.

Q What do you mean by "piled up"?

A We were so crowded in this room that in order to sleep and to be able to lie down we had to lie on our sides.

Q Why did you have to lie on your sides?

A Because we were too numerous there and we had to make some room for ourselves.

Q How many patients were there to a bed?

A There weren't any beds. We were on the ground. There wasn't even any straw.

Q Will you continue your story about Zweiner when he came into the place you were in?

A I remember one morning very early after the reveille of the de-

tails as we did not work we lay down and continued to sleep. He came in like a madman into th t room, his rubber hose in his hand, and he beat right and left and we all left through the windows, pushing each other in the process.

Q Do you know the reason for his action?

A I do not know.

Q Do you have anything else that you can add about Zwiener?

A No.

Q Now you have identified Valenta. What do you know about Valenta?

A I know that Valenta was a capo of the bunker but I don't have anything special against him.

Q You have identified Simon. What do you know about Simon?

A Simon was at the Nora camp as labor service leader. He was in charge of furnishing the labor for the various enterprises in the camp. He only had one thought--the work, the output of his men; and the lives of those men did not count for him. It happened some times th t he would hold a meeting of the capos and the foremen to explain to them the means of increasing the output of the men.

Q And what was the effect of Simon's instructions?

A The death of many men who succumbed because of the work they had to do.

Q Did you ever observe Simon while he was assigning the different men to different jobs?

A I can give the following example to the court: In February 1943 a transport was organized for a bycamp of the camp. I do not know which camp it was for. This transport was bout 1500 men strong. The men were assembled one morning on the rollcall square and they remained there until ten o'clock, until the lists were made out. When they left, 12 bodies remained on the rollcall square. Those were men who had died from congestion because it was so cold.

Q How cold was it?

A That was a temperature, I said a while back, about fifteen degrees below freezing point. That was in February 1945.

Q And who did you say was in charge of this assembly?

A It was Simon, as he was in charge of those jobs.

Q Is there anything else that you can add about Simon's activities at Dora?

A Nothing special, except his usual brutality.

Q Can you give the court other examples of brutality, besides the assemblage you spoke of?

A When Simon came on the rollcall square or inside the camp it was usual that he punched and kicked when something was not to his liking.

Q Who would he punch and kick?

A To some men who were there in the lines.

Q And what were the nationalities of these men who were kicked and punched?

A When Simon punched and kicked he never looked at the letter which we wore in the triangle.

Q Can you give the court an example of the nationalities that were kicked and punched?

A He made no difference between the Russians, and Poles, the Czechs, the French or the Belgians.

Q What were the nationalities of the 12 men that were left on the rollcall square at the end of the assembly that you spoke of?

A I couldn't say that because those men were immediately picked up and taken to the crematory.

Q Do you know if they were German or not?

A They could have been German, I don't know.

Q Now you identified Koenig. What do you know about Koenig?

A I remember that Koenig was in charge at the camp of the auto-

mobile transport, the fahrbereitschaft (motor pool), but I have nothing to say against him.

Q You identified Aischein. What do you know about him?

A I remember having seen Aischein at the SS dispensary. I know that he was not tender toward the prisoners, but I have nothing special against him.

Q Now, you have identified Koeser. What do you know about him?

A Koeser was an officer. He was chief of the inmate camp. He was Schutzhaftlagerführer at Dora. He gave us all the impression of being coldly cruel.

Q Why do you say he was coldly cruel?

A Because he never said anything and he looked at the men with that look which you know, and all the men were terrorized when they saw him. We had his office next to our workshop and next to the office of the roll call leader, and he certainly indicated -- I don't know for sure, but I imagine so -- the corporal punishments which were to be meted out to the men.

DEFENSE COUNSEL: May the part of the witness's answer referring to what he imagines be stricken from the record.

PRESIDENT: That part of the witness's answer referring to what he imagined or supposed will be stricken from the record.

Q Can you give any examples of Koeser's cold brutality?

A The precise thing which I saw was on the day of March '45 when those 50 men were hanged. When the men were unhanged and while they were still moving, while I saw Fillan beat one of the men who had been unhanged with a stool, I saw Koeser give the mercy shot to some others with his pistol.

Q Did you observe anything else that Koeser did?

A I did not observe anything else precisely -- any precise facts.

Q Before you testified that you on several occasions went to the post office. While you were there, did any prisoners come to the post office?

(CROSS-Direct)

A The prisoners came to get their packages through a small window which looked out on the inside of the camp, but the friends of Andrae -- the ones who were in good terms with him, the capoes, the camp elders -- came in on the other side and took packages away.

Q Well, what happened to the prisoners who were not in favor of Andrae but were on the outside? What happened to them when they came to get their packages?

A Those took whatever the post office was willing to give them, but it was not the prisoners themselves who came. Those were the secretaries of the blocks. In each block there was a capo and a secretary, and the secretaries came to get them.

Q While you were there, did any prisoner come and make a complaint about his package?

A We could not complain. Nobody could complain because if anybody would complain he was beaten.

Q Now, do you have anything that you would like to add to the stories concerning any of these people you have identified?

A No, I have said everything I knew about them.

Q Now, you said before that Prinkmann was a good friend of Knittler's. Did you ever see Knittler in the post office?

A Yes.

Q Did you ever see Knittler beat a prisoner in the post office?

A I did not see Knittler beat in the post office, but I saw Knittler because some prisoners would be beaten in his office and in the hall.

DEFENSE COUNSEL: If the court please, I would like to interpose an objection on the grounds that the testimony regarding Knittler is incompetent, irrelevant, and immaterial to the issues of this case, unless prosecution intends to connect it in some way with one of the accused.

Knittler is not on trial. I see no purpose in this line of questioning.

PROSECUTION: But the responsible leadership of the camp is on trial. The nature of the charge makes any of the leaders in the camp whose actions were made part of a plan also responsible, and is competent.

LIEUTENANT JONES: If the court please, the charge and specifications themselves set out the fact, naming these men, and also stating "...and other persons."

PRESIDENT: The objection is sustained.

QUESTIONS BY LIEUTENANT JONES (continued):

Q What was Knittler doing in the post office?

A He went to see Andrae often and, like the others, he received some chocolate and some cigarettes which he also liked very much.

Q Who gave them the chocolate and the cigarettes?

A Andrae and the other SS who were with him in the post office.

LIEUTENANT JONES: Prosecution has no further questions.

DR. AHEIMER: Cross examination on behalf of Maischein and Simon.

CROSS EXAMINATION

QUESTIONS BY DR. AHEIMER:

Q Colonel, you said a few words about Maischein. Is it correct that you often came to the troop dispensary in order to repair the telephone there?

A I went several times to the SS dispensary in order to repair, not the telephone, but the loud speakers.

Q Is it correct that there you also met, in addition to Maischein, a prisoner by the name of Willi Fett?

PROSECUTION: The only testimony by this witness about Maischein was what his job --- he knew nothing about him. The prosecution is going to insist the cross examination be limited to matters discussed on direct

examination.

PRESIDENT: The objection is overruled.

A I do not know the name of that prisoner, but I ask the defense if it is the name of a German prisoner who had been in Paris before the war.

Q It is referring to a German prisoner. I don't know whether he was in France, but he was an actor.

A An actor? No.

Q Isn't it correct that when you were there you received food from the dispensary clerk and upon the approval of Maisonein?

PROSECUTION: I object.

PRESIDENT: The objection is overruled.

A When I went to the SS hospital it did actually happen that I asked for some food for my men from a prisoner who was in a -- who lived across the way from Meischein's room. It was refused to me.

Q Colonel, you spoke of theincident in February where -- and after that 12 corpses were on the roll call grounds. Was this February '44 or February '45?

A It was February '45.

Q Isn't it a fact that in February 1945 SS First Lieutenant Zell was labor commitment leader?

A I did not know that officer.

Q But you do know that Simon was not labor allocation leader but labor commitment leader?

A He was Arbeitsdienstfuehrer.

PRESIDENT: Now, what is the translation of "Arbeitsdienstfuehrer"?

INTERPRETER SIMON WEISSGLAS: Labor service leader.

A (continued) That is what I said a while back.

Q Isn't it a fact that transfers of transports from one camp to

(LESCHI-Cross)

another camp were a matter of the labor allocation leader and not the labor service leader?

A I don't know that.

Q How come that you bring Simon in connection with these 12 corpses?

A Because in everybody's mind, as well as in mine, it was Simon who was in charge of organizing the transports.

Q But you yourself do not know for sure that at that time Simon was busy in getting the transport together?

A What I knew was that Simon was in charge of organizing the transports.

Q Did you see Simon on that day somewhere in the vicinity or nearby this transport in February 1945?

A I couldn't say that.

Q Isn't it a fact that people who were sent out to work some place else had to be examined by a doctor prior -- whether they are capable of doing the work -- prior to being sent out?

A They were perhaps supposed to be, but they were not.

Q Do you know, Colonel, that this very transport in February 1945 was not examined prior to that time?

A I don't know that, but what I do know is that at the end there were 12 bodies, and that is a fact.

Q Colonel, you spoke about the fact a while ago that Simon occasionally called the capos and foremen together?

A Yes.

Q Where did these meetings take place?

A They took place on the roll call square in front of the Labor Statistics Block.

Q Did you yourself have occasion to listen in to one of those meetings once?

A I was present there once myself because I was chief of the PA system detail.

Q And what means did Sitzon speak about at that time in order to increase production?

A Unfortunately, Sitzon made his speeches in German, and I was never able to understand German very well. The little which I understood indicated that production would have to be increased by all means.

Q Was the discussion of this point the only reason for calling the meeting?

A Yes.

Q You said before, Colonel, that Sitzon's only intention was the work, the life of the prisoners didn't matter?

A Yes, that is correct, and besides the facts are there which prove that the death of numerous prisoners.

Q Isn't it a fact that a prisoner who became sick could report sick and was taken out of the work process?

A In order to be admitted in the Dora dispensary one had to suffer from at least 39 degrees of fever, and I saw some men who were suffering from pneumonia, spitting out blood at work.

Q But isn't it a fact that if people could not be admitted to the dispensary they could be put on rest by the doctors?

A Very few convalescent permits were given, and they just depended on the humor of the medics who gave them out.

Q Isn't it a fact that these papers allowing you to have rest were made out only by prisoner doctors?

A I do not know because I never had the benefit of one day of convalescence.

Q Your workshop was in the vicinity or nearby of the administration building?

A My workshop was in the building on the left of the entrance of the camp.

Q And what office was located in the barracks to the right of the entrance of the camp?

A The services of Bison were there and the Political Department.

Q Didn't you see in the building where Bison was located during the year of 1944 a number of officers?

A Yes, some officers were there.

Q But you do not know whether this 1st First Lieutenant Weil was among these officers?

A No, I don't know him.

DR. ANSBACH: No further question.

DR. BABICH: Cross examination on behalf of the accused Andrae.

QUESTIONS BY DR. BABICH:

Q Colonel, when was it then you were in this building, the same building where the post office was?

A During the month of August 1944.

Q At that time in August 1944 was Andrae in the post office?

A That question embarrasses me, and I couldn't answer it neither "Yes" nor "No". I did not know him at that time.

Q Who was in charge of the post office at that time?

A I don't know anything about the post office before I saw Andrae. I don't know who was there before him.

Q Do you know the name of an SS Staff Sergeant Pilger?

A No.

Q Did you have the occasion to see the arrival of packages and the censoring of packages?

A Yes.

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Q At this censorship were there only SS personnel on hand, or were there also prisoners there, too?

A There were some prisoners also there.

Q How many prisoners were employed there, approximately?

A Approximately five or six.

Q And what did these prisoners do?

A Those prisoners took care of the writings and when there were many packages they also took care of opening the packages.

Q And who took out the contents of the packages?

A The persons who took out the contents were either the prisoners or the SS. In any case the prisoners acted upon instructions of the SS. They said to them the sugar, the chocolate, and the tinned food should be taken out, and they took it out and placed it in the wooden boxes.

Q Did you also see Andree on such occasions that he took out the contents of a package?

A Yes.

Q And what did Andree do with the contents of the packages?

A But Andree considered that the contents of the packages belonged to the SS.

Q How do you know that?

A And because of that he disposed of it as he felt like it.

Are you acquainted with the directives that were issued to Andree with respect to packages?

A No.

Q Do you know who was the superior of Andree?

A I don't know that.

Q Was Andree an officer?

A Andree was an SS Master Sergeant.

Q Was an officer superior to a SS Master Sergeant?

A Yes.

Q Did a SS master sergeant have to carry out the orders of an officer?

A If the same thing took place with them as in all armies, I imagine they had to follow the orders.

Q If Andrae received an order from the camp commander to issue or hand off a package to a prisoner, would Andrae be required to follow this order?

LIEUTENANT JONES: If it please the court, the prosecution objects. Whether an order was ever given Andrae is purely speculative, and it is immaterial; as far as the witness' testimony, it is not material at all.

PRESIDENT: The objection is sustained. The witness will not answer the question.

QUESTIONS BY DR. KUNERT:

Q Isn't it a fact that you frequently received a certificate from the camp commander saying that you ought to receive a package and whereupon you were issued a package?

A I never saw anything which looked like a certificate from the camp commander.

DR. KUNERT: I believe there is a mistake in translation. The word "camp leader" was not translated properly. I believe I will replace it with the word "protective custody camp leader".

This question?

QUESTIONS BY DR. KUNERT:

Q Yes.

A I never saw anything signed by Moser which authorized me to receive some packages. I received some because I helped out the post office and Andrae. The only authorization which I received, I remember about that now, was from my SS detail leader for me to receive some tobacco for myself and my men.

Q Did you always have to show a certificate if you received a package or something like this from Andrae?

A No.

Q You stated that at first the mail was sent through the camp Buchenwald. For how long a time was that?

A Until during the summer of 1944.

Q Approximately for how long in months, if you please?

A I could not say if it was in August or September 1944 that it changed.

Q Who gave the order that the address of "Buchenwald" had to be changed to "Sangerhausen"?

A I don't know, but what I do know is that during June or July 1944 all the prisoners were authorized to send a card to their families in order to notify them of the change of address.

Q Do you know by this the change of address was introduced?

A No.

PRESIDENT: The court will recess until 1350.

(Thereupon at 1155 hours the court recessed until 1350 hours.)

* * * *

INTERPRETER SVENSON: The witness used the word "recuperated", sir.

PRESIDENT: I think it is more properly translated as salvaged.

Do you know who took the contents of these packages, which you stated consisted mostly of wool materials, to the clothing supply room?

A detail of inmates took them there.

On whose orders were these things brought to the clothing supply room?

A I don't know. I do not know who gave that order, but I hold Andrae responsible for what went on in the post office.

Is it known to you that the contents of those cases, the cases that were standing in the post office, the contents of these cases were sent to the prisoners' kitchen?

A I know that at certain times we received some packages from the American Red Cross which contained some noodles and some bouillon and all that was taken to the prisoners' kitchen where it was mixed up with the soup of the prisoners and it became practically uneatable.

During the work that you were doing in Dora, did you also come into the room of the rollcall leader?

A I did go in the room of the rollcall leader because there was a P.W. installation there.

Isn't it a fact that also in the room of the rollcall leader there were cases standing there which were designated for food which was to come from the post office?

A I did not see any boxes which were destined to receive food, but I did see some food there.

Isn't it a fact that this food was called for daily by a detail which took it to the prisoners' kitchen?

A That is possible.

(Leschi - cross)

AFTERNOON SESSION

(The court reconvened at 1330 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all the members of the court are present, the prosecution and the defense are represented by counsel, all the accused are present, the court reporter and the court interpreter are present. At the close of the last session the witness was undergoing cross examination.

COL. MARIEN L. SCHI, called as a witness by the prosecution, having been previously sworn, resumed the stand and testified further through an interpreter as follows:

CROSS EXAMINATION, (continued)

QUESTIONS BY MR. KEENER

Q Colonel, you stated that approximately in February 1945, 2,300 Red Cross packages came into camp Nora. How do you know about this figure so definitely?

A Because I saw them in the post office and that figure was given to me by the capo of the post office.

Q And who was this capo?

A The capo was a French inmate, an Alsatian.

Q Do you remember the name?

A Weber.

Q And the wrappings of these packages were burnt, as you know. Is that correct?

A No, the wrappings of those packages were taken to the camp where all the old waste paper of the camp was recuperated.

PROSECUTION: I would like to ask the interpreter, through the court, whether the translation should not be salvaged, instead of recuperated?

PRESIDENT: Isn't the correct translation of that either "reclaimed"or "salvaged"?

INTERPRETER GIMPEL: The witness used the word "recuperated", sir.

PRESID. Tr I think it is more properly translated as salvaged.

Do you know who took the contents of these packages, which you stated consisted mostly of wool materials, to the clothing supply room?

A detail of inmates took them there.

On whose orders were these things brought to the clothing supply room?

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A I did go in the room of the rollcall leader because there was a P.W. installation there.

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A I did not see any boxes which were destined to receive food, but I did see some food there.

Isn't it a fact that this food was called for daily by a detail which took it to the prisoners' kitchen?

A That is possible.

(Leschi - cross)

Isn't it a fact that the food which went into the cases in the post office as well as into the cases which were standing in the rollcall leader's room was food which originated from packages which could not be delivered?

A I did not understand the question. Which could not be delivered.

Q Packages for those prisoners who had died or packages for those prisoners who had been transferred to other camps and for this reason it was not possible to deliver the packages. The contents of these packages were placed into these other cases, is that correct?

A Yes, but they didn't worry either about whether the prisoners were dead or in other camps. I repeat what I said a while back, the contents of those packages did not belong to the prisoners.

Q Isn't it a fact that the underwear that was taken out of the packages actually went to the prisoners' clothing supply room?

A I never saw one prisoner dressed with that underwear.

PROSECUTION: I think the word used was sous-vetements. Does that mean underwear?

INTERPRETER CONRAD: Yes, sir, it does.

Q Is it known to you when the prisoners daily picked up the packages from the window?

A After the packages had been opened and part of their contents had been taken out, the prisoners came and got whatever was allotted to them from the small window.

Is it known to you that certain things, definite things, were not permitted that the prisoners receive?

A It was forbidden for the prisoners to receive alcohol. It was forbidden that the prisoners receive any clothing. As far as I know it was not forbidden for them to receive cans of sardines or cans of milk which were opened inside the packages after they had been pierced in order to censor them.

(Leschi - cross)

Q Isn't it a fact that it very often happened that the contents of these tin cans were not those stated on the outside, but that they contained entirely different things than stated thereon?

A I don't know. I never saw it myself.

Isn't it a fact that just due to this fact such a strict censorship was set up and even can controlled?

LT. JON S: If the court please, the prosecution objects. He has answered that he did not know what it was, he had never seen any of these cans.

PRESIDENT: The objection is overruled; the witness will answer the question.

A It is possible that a very strict censorship was necessary but that does not explain why the contents of some boxes went to the SS.

Q Is it known to you that in the months of January, February 1945 approximately 1000 sets of wool underwear was issued to the prisoners?

A The prisoners did not have any underwear. I said a while back that all they had was a shirt and a pullover.

Is it not a fact that food and underwear was distributed to details which were doing particularly heavy work?

A Not to my knowledge.

Q During your testimony under direct examination you talked about a W/Sgt. Knittler. Were you ever present when Andrae personally gave Knittler any tobacco or chocolate?

A Yes.

Q When was this?

A Maybe at the end of 1944, maybe the beginning of 1945; I cannot say that exactly.

Q Did Knittler receipt for the receipt of those things? Did he have a special receipt for the receipt of these things?

A Knittler did not confide in me and did not tell me about all

these things. I know th t he accepted cigarettes and chocolate, just like we did on those occasions.

Q But it is unknown to you if he had a special receipt for the receipt of these things?

A No.

DR. RENNER: No further questions.

QUESTIONS BY DEFENSE COUNSEL

Q Colonel, would you be good enough to step up to Prosecution exhibit 22 and indicate where your office, workshop was?

PRESIDENT: I doubt if the witness knows what Prosecution Exhibit 22 is.

DEFENSE COUNSEL: This map of the concentration camp of Dora.

A My work shop was in this barracks here.

DEFENSE COUNSEL: Let the record indicate that the witness has pointed to the building marked "Protective Custody Camp Leader".

pld-179-1

Q Which way did your office face, that is the windows of your office?

A My workshop was on this side, then they found that it was too large. They needed the space so they moved it here, about here. (Indicating.)

DEFENSE COUNSEL: Let the record indicate that the witness has first pointed to the West side of the building and--rather strike that--to the East side of the building and then pointed to the West side of the building as the second location of his office.

A Then my workshop was moved from here to there a little further.

DEFENSE COUNSEL: Let the record indicate that the witness has pointed to another location in the same building slightly to the South of the second location.

Q Now could you see from any of these three shops? Could you clearly see the entrance to the camp?

A I couldn't see the entrance of the camp from the workshop. I could see from here on.

DEFENSE COUNSEL: Let the record indicate that the witness has pointed to a spot where the road, the entrance road, makes a crossroad with the first road inside the enclosure.

Q Now did you ever have occasion, while working, or during your duty hours or during your off duty hours to observe the prisoners as they marched in or out of the camp?

A Yes. I saw it not only from inside my workshop but also from inside the camp where I worked often.

Q Did you then observe prisoners entering and leaving the camp on numerous occasions?

A Yes.

(Leschi-cross)

Q Now with regard to your testimony as to these packages Colonel. Isn't it a fact that the capos and block schreibers would pick the packages up at the Post Office and then distribute them to the prisoners?

A Yes, it was the block section.

Q Isn't it also a fact Colonel that there was wholesale pilferage of these packages all the way down the line by the SS and by the prisoners and by everybody?

A The first place there was a looting of the Post Office then there was the looting of the block chiefs. Then there was what had to be given to the capos andthe foremen in order not to be beaten.

Q So, in other words, Colonel, when a package arrived at the Post Office first of all certain material was removed from it because of censorship, isn't that so?

A Allegedly.

Q Then according to your testimony the SS removed some of the contents of this package for themselves, isn't that right?

LT. JONES: The prosecution objects. This is the second time that the Post Office has entered in the picture as far as cross examination is concerned and he has also already answered this question prior to this.

DEFENSE COUNSEL: May it please the court---

PRESIDENT: The objection is overruled.

THE WITNESS: Yes.

QUESTIONS BY DEFENSE COUNSEL:

Q When the block schreibers or the block eldest or the prisoners who occupied these positions took their share, isn't that right?

A Yes.

Q And then finally the capos or the other prominent prisoners got their share, isn't that right?

(Leschi-cross)

A Yes.

Q So that finally the poor ordinary prisoner got very little left, isn't that it?

A Yes.

Q But all of this pilfering cannot be laid at the door of the accused Andrae, can it?

A It still has a great share of responsibility.

Q Now Colonel, with respect to your testimony as to the accused Brinkmann, whom you identified. I would like to ask you this question: Isn't it possible that you are confusing the accused Brinkmann with Hauptscharfuehrer Brom who resembled him and who also had his office with Knittler in the same building that you had?

A No, because Brinkmann is blonde and Brom is dark.

Q But it is a fact, is it not that in the same building as you were the office which was occupied by Brom was also occupied by Knittler, is that so?

A They were together they were all three of them were there and when Brinkmann went to Ullrich he was replaced by Freis.

Q Is it not a fact that the censorship service on these packages was a separate service from the Post Office and was under the supervision of Master Sergeant Pilger?

A I don't remember that name Pilger but I know that the censorship of letters was in a different room from the one where the packages were.

Q These punishments which you say that you witnessed the prisoners coming out after the punishments in the block fuehrer or the report fuehrer's room. Did you witness any of the punishments themselves?

A I was not a visual witness but I was an oral witness because I heard their shouts.

(Leschi-orcss)

Q Can you say with certainty today who was administering these punishments?

A It was some inmates. The capo of the camp police or some camp policeman who beat by order of the rollcall leader.

Q It was not the rollcall leader himself who administered these punishments, is that right?

A I did not see him.

Q Were these punishments the so-called official punishments of the 36, as it is sometimes known?

A It was both.

Q Did you ever see in this report fuehrer's room or in any of the contiguous rooms a whipping block?

A Yes, it was a table.

Q Did this table look anything like that?

A I did not see that.

MR. GOLDSEL: Let the record indicate that I have shown the witness prosecutions Exhibit P-36.

Q Did you ever see that instrument or photograph which I have just shown you anywhere in the camp?

A I didn't see it but others saw it.

Q In your duties as chief of the Public Address System you visited all parts of the camp, did you not?

A I visited the blocks in the camp and the offices.

Q And you attended all the roll calls, did you not?

A Yes.

Q And you witnessed all the punishments that were given on the roll call square did you not?

A The official punishments did not take place on the roll call square except for the hangings.

(Leschi-cross)

Q Then you never saw any punishments given on that whipping block in the roll call square did you?

A No.

Q Now you testified Colonel that you saw Brinkmann preparing a package to send home which contained goods which came from the Post Office?

A Yes.

Q Did you have a very close look at the goods that were going into this package?

A I couldn't unwrap it. It would have cost me a lot. I saw some jars of jam and I saw some tin foods which came from the Post Office.

Q The members of the SS garrison also received packages on their own behalf did they not?

A The SS received some packages from their homes.

Q And they did receive jams and canned goods did they not?

A I imagine so.

Q So these goods which you saw Brinkmann packing could have been his own could they not?

A No.

Q Now, isn't it a fact Colonel that the construction of barracks in Dora was carried out by the WIFO, a civilian concern?

A The WIFO I think, because I think I know the name of that firm, worked at the construction of the barracks of the camp.

Q Now, isn't it a fact that these barracks were semi-prefabricated units?

A Yes. They were wooden panels, panels of flooring, walls and roof.

Q Isn't it a fact that these panels were transported from the railway to the construction site either on trucks or horse carts?

(Leschi-cross)

A Those panels were transported to the place, to the construction site from the station by men on their backs and on their shoulders.

Q What was the distance from the railway station to the construction site?

A It varied a lot but it could have been as much as two kilometers when it was a question of building these barracks there.

Q There was a large motor pool at Dora, was there not Colonel?

A Yes.

Q Trucks were available to transport these panels were they not?

A Yes, but they did not transport those things, they transported gravel when they made some cement for the roll call square and they used them also in the morning and in the evening to transport some inmates who were working in far away details, maybe about 10 kilometers away, and also to transport the dead from Ellrich Camp to the Dora Camp, but the panels of the barracks were carried on mens backs.

Q Now there were also a number of horse carts available were there not Colonel?

A There were a few horse carts which came to get potato peelings from the kitchen.

Q Now other witnesses before this court Colonel have testified that the putting up of these barracks was done at a very fast tempo and that every effort was made to get these barracks up in the shortest amount of time. In spite of that testimony do you still wish to repeat that these panels were carried by human carriage from the railway station to the construction site.

A I never saw them carried otherwise.

Q Colonel when you arrived in March of 1944 weren't these barracks almost all completed?

(Leschi-cross)

A A certain number of them were finished and others were not finished.

Q Now Colonel you identified the accused Killian. You testified that you saw him participate in one or more hangings.

A One. To the mass hanging where about 60 individuals were hanged. I know that he participated in other hangings in the tunnel, but those I did not see.

Q I just want to rectify the date of this hanging that you did see. I believe you stated it was on the 15th of March, 1944. Didn't you mean 1945?

A March, 1945.

Q Now what Doctor was present at that hanging colonel?

A I did not see any.

Q As the prisoner in charge of the public address system, isn't it a fact that these sentences were always announced over the public address system?

A During the hangings of Easter Day, 1944 the sentences were announced through the public address system. For those of March, 1945 there weren't any sentences.

Q Do you recall whether an interpreter was present at the hangings of 15 March, 1945?

A Yes, because the sentences were told in many languages.

Q Then there were sentences read, is that it?

A On Easter Day '44, yes, in March '45, no.

Q Now this hanging of Easter, 1944 that you refer to that is the one which I believe you testified Zwiener performed, is that right?

A Yes.

Q Now, is that the same hanging in which the camp eldest Szymcak refused to do the hanging?

A Yes.

Q Now, there is testimony before the court, Colonel, that on that occasion the hanging was actually done by Master Sergeant Puszta, aided by a prisoner by the name of Peter Schrauer, and that Wiener did not participate in that hanging. How do you account for the difference in testimony?

A I don't know the two others, but what I know is that on Easter Day 1944 Wiener hanged those two men. He volunterred to do so because the Reds had refused to do so.

Q Do you recall in what month Easter was in 1944? Was it March or April?

A I think that it was on 9 April.

Q Now, are you sure that this other hanging which -- this hanging which Szymcak refused to perform was not in March 1944? Are you not confusing those two hangings?

A I did not see any other hangings than the ones of Easter Day 1944. I arrived at the camp on 13 March.

Q Now, you testified about an incident, Colonel, in which you were confined and quarantined. Who placed you in quarantine?

A I was placed in quarantine because there was a typhus epidemic and we were all full of lice.

Q Were all of you placed in that crowded room by medical orders?

A We were placed in two blocks. All the people who were placed inside were people who were found to have lice, but upon the orders of whom, I don't know.

Q During your restriction in quarantine, didn't you see any signs of any doctors who came to examine you?

A No.

Q Now, isn't it a fact that a report was made by some of the prisoners that in these crowded quarters some of the prisoners were relieving themselves in the room and that because of this Wiener came in and administered these beatings?

A Certainly not.

Q Do you know who the chief physician in Dora was at the time that this incident took place?

A No.

Q Do you recall, Colonel, an incident in which fire occurred in your shop, because of which you and two other prisoners who worked with you were to be punished and were to be beaten by orders of the camp commander?

A I remember that very well.

Q Isn't it a fact that the accused Boesser intervened and interfered in your behalf and had this punishment reduced to arrest rather than to a beating punishment?

A It was not Boesser who intervened, but my detail leader, an SS named Heiss, who was only an SS because he had to, who was very good to me, and I owe my life to him.

Q Now, do you know to whom your kommando fuehrer went to obtain a reduction of this punishment which had been ordered by the camp commander?

A He went to see the camp commander Foerschner, who refused it. He also went to see Boesser, and it was only later when Foerschner was replaced by another officer coming from Auschwitz whose name was Baer -- I think B-A-E-R -- that the punishment was changed.

Q And do you know whether or not it was Boesser who intervened and got that punishment changed?

A What I know is that Heiss told me, "I am going to intervene for

you, not because of my feelings of humanity, but because I need you."

Q You do not know then whether or not it was Boeser who finally obtained a reduction of this punishment, is that right?

A I don't know that, but what I do know is that I owe Weiss for it.

Q Now, you also identified the accused Brauny and I believe that you said you never saw him actually beat anyone, is that right?

A I saw him in the camp but I have absolutely nothing against him. I never saw anything.

Q Now, there has been testimony before the court, Colonel, that Brauny made it a practice to stand at the entrance to the camp and habitually beat the prisoners as they came back and forth, entered and left the camp. You have testified earlier in cross examination that you on numerous occasions saw prisoners leave and enter the camp and now you say that Brauny never did any beating, as far as you know. How can you account for the difference in that testimony?

PROSECUTION: I pray the court's judgment.

PRESIDENT: The objection is sustained. The witness will not answer the question.

Q You have testified on cross examination that you saw prisoners leave and enter camp on many occasions, did you not?

A Yes.

Q And you have also testified that you never saw Brauny beat anyone yourself?

A Yes.

Q So, therefore, you never saw Brauny beat anyone on these occasions on which you state prisoners left the camp?

PROSECUTION: I pray the court's judgment. That is a question which asks the witness to come to a conclusion. He said he never saw him beat anybody; he said he saw people go through the camp; and it is up to the court to come to its own conclusion.

(LESCHI-Cross)

DEFENSE COUNSEL: I withdraw the question. Thank you, you have summarized it for me.

PROSECUTION: You did it yourself.

DEFENSE COUNSEL: I have no further questions. Dr. Aheiner has a few questions.

PRESIDENT: The court will recess for 15 minutes.

(Thereupon the court recessed at 1445 hours.)

* * *

(Thereupon the court reconvened at 1610 hours.)

PRESIDENT: The court will come to order.

LIEUTENANT JONES: Let the record show that all the members of the court are present, prosecution and the defense are represented by counsel, all the accused are present, the court reporter and the court interpreter are present.

At the close of the last session the witness was undergoing cross examination.

PRESIDENT: The witness is reminded he is still under oath.

COLONEL JAKOB LESCHI, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, continued to testify through a French interpreter as follows:

(Thereupon the proceedings were translated into the German language.)

CROSS EXAMINATION (continued)

QUESTIONS BY DR. AHEINER:

DR. AHEINER: I have several questions yet in connection with the accused Simon which I could not ask this morning as I did not have the information at my disposal as yet.

Q Colonel, do you remember that in January and the beginning of February transports arrived from the East?

A Yes.

Q Isn't it correct that a part of these transports only remained in Dora for one or two days and were then sent to other camps because there

wasn't sufficient room for these transports to remain there?

A I know that I saw that transport arrive. It was in a terrible condition. I know that the men were tired because they had travelled 10 or 12 days in open cars in the snow. I know that there was a mountain of dead. I know that many were dying. I know also that the ones who were in a half sort of a decent shape and the ones who were dying were sent to be disinfected, where they remained several hours naked in the snow. The living were placed in a large concentration which was to have been a movie, but the crematory was not sufficient to take care of all the dead. Some funeral pyres had to be lit.

Q Do you also remember, Colonel, that a part of these people one or two days after their arrival were sent to other camps?

A Yes.

Q You spoke this morning about a transport in February 1945 which was sent to an outcamp and in which there were 12 dead.

A Yes.

Q Didn't this transport consist only of those people from the Nest who had only been in the camp one or two days?

A No, those were people from the camp.

Q Did you know any of these people from the transport?

A No.

Q How do you know, then, that these were people from the camp?

A Because I could see them. I knew the comrades from the camp. I didn't know them individually but I saw them often.

Q Did you personally see that Simon beat people on the roll call field?

A I did not see him beat.

Q Isn't it a fact, Colonel, your detail leader, whom you have mentioned here several times already, received premium slips from Simon to distribute to the people in his detail?

(Further page)

A That is correct.

DR. AUKIWER: No further questions.

DEFENSE COUNSEL: I have one more question, if the court please.

QUESTIONS BY DEFENSE COUNSEL:

Q Colonel, what can you tell the court about --- Can you tell the court whether you know or whether you have ever heard that there was a black market dealing in lice among the prisoners?

A I did not see it take place, but it was told to me, and I could not certify to it under oath. That did not take place in Dora, to my knowledge, but it did take place in other camps. It was to the best interest of the men that a flea be found on them so at the time that they were inspected so that they would not go to work.

Q By that do you mean that they were quarantined if a louse was found on their bodies, is that it?

A That was not systematic, but it did occur. The proof is that in May 1944 I myself went to quarantine because a flea was found on me. I had not bought that flea.

DEFENSE COUNSEL: No further questions.

REDIRECT EXAMINATION

QUESTIONS BY LIEUTENANT JONES:

Q Colonel, what do you know about #IFU?

A I know that #IFU was a firm and it worked under the direction of Mittelbau for the construction of everything which was outside, such as barracks and road construction, and for the general study of the plan of installation of the Mittelbau of the whole of Dora, Ellrich, etc.

Q Will you describe the table upon which these beatings took place in the roll call leader's office?

A I said that I had not seen that, I was not present when the men were beaten in the office of the roll call leader--I only heard. And every time I went into the office of the roll call leader I only saw some ordinary tables.

Q When Knittler received candy and tobacco from Aurac did you see him sign any piece of paper or any statement at all?

A I never saw any paper.

Q After Knittler received this candy and tobacco, what did he do?

A I was not trusted by Knittler sufficiently to learn about what he did.

Q Did you see him passing anything over to Aurac?

A No.

Q At this meeting that you testified to in which Simon and the foreman and capos came to him, what did Simon say at that meeting?

A In the first place, I did not understand everything--I did not understand what he was saying because I do not understand German very well, then I don't remember very well, but what I do know is that he told the capos and the foreman to have the men work by all means.

Q Now, from the place that you worked at at the camp, how much of the entrance of the camp could you see?

(Lesnik-Houlihan)

DEFENSE COUNSEL: If it please the court, that is repetitive. We have already cross examined at length on that part of the case we could see.

LIEUTENANT JONES: I know you have. I am bringing it out on redirect examination.

PRESIDENT: The objection is sustained. The information asked for by the last question is already before the court.

LIEUTENANT JONES: If it please the court, nothing was brought out on direct examination about the witness seeing any prisoners going to camp or coming from camp, and I haven't had an opportunity to question this witness at all. It is completely new evidence before this court. It was brought up by cross examination.

PRESIDENT: You may certainly bring out whatever information you desire, but there is no need of repeating whatever is already before the court.

QUESTIONS BY LIEUTENANT JONES:

Q When did you move into this place that you worked in the camp as far as your electrical detail was concerned?

A During the summer of 1944. It was in May or June 1944. Let's see, I think it was at the end of the month of June 1944.

LIEUTENANT JONES: The prosecution has no further questions.

DEFENSE COUNSEL: The defense has nothing further.

EXAMINATION BY THE COURT

QUESTIONS BY MEMBERS OF THE COURT:

Q Colonel, in your direct testimony you said that a large number of packages arrived for prisoners in February 1945, is that date correct?

A Yes, that is correct. Those were packages from the French Red Cross, and from the Belgian Red Cross.

Q Is the date correct, 1945?

A No, 1946.

Q Colonel, you testified that you arrived at Bora in March 1944. When did you leave Bora?

A I left Bora with the first evacuation transport from the camp under the pressure of the American advance. That was in the evening of 8 April 1944.

Q Colonel, in speaking about the prisoners obtaining packages from the post office, you said that no prisoner complained because he knew that he would be beaten. Did you ever see a prisoner or hear of a prisoner being beaten because he complained?

A I did not see it, but I heard about it, but the prisoners showed no tendency to complain because they were terrorized.

Q Whom did you hear about doing the beating to this one who did complain?

A We just heard about it in the camp. I cannot say anything precise about that.

Q Did any of those occurrences at any time ever mistreat you personally?

A None of them. The only one who mistreated me is Knittler. He is not there. I also received some blows by Zwirner.

Q Do you mean a beating or just that you are walked past?

A He gave me a blow while I was running in order to avoid being beaten.

Q Would you mind telling us about this incident?

A That is what I told this forum, while we were all placed in the barracks and he came in and started to beat right and left and we all jumped out of the windows.

PRESIDENT: No further questions from the court.

LIEUTENANT JONES: If it please the court, may the witness be permanently excused?

PRESIDENT: Does the defense object?

DEFENSE COUNSEL: We have no objection.

PRESIDENT: The witness may be permanently excused.

(Thereupon the witness was excused and withdrew.)

(Recess.)

Tk 181-gms-Hermansen-9/3/47-4

LIEUTENANT JONES: The prosecution calls as its next witness Paul Emile Caton.

PAUL EMILE CATON, called as a witness by the prosecution, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY CAPTAIN MCGARRY:

Q State your full name.

A Caton, Paul Emile.

Q Your age?

A 47 years old.

Q Your occupation?

A Importer.

Q Your residence?

A Paris.

Q And what is your nationality?

A French.

Q Mr. Caton, were you ever an inmate of a concentration camp?

A Yes.

Q What camp or camps were you an inmate of?

A Buchenwald, Dora, Ellrich, especially Ellrich.

Q When did you come to Dora?

A On 5 September 1944.

Q And how long did you stay there?

A Three or four days only.

Q And then where did you go?

A To Ellrich.

Q And how long did you remain at Ellrich?

A Until the end.

Q Were there any other prisoners that came to Ellrich with you?

A Yes, exactly 1,500.

Q What was the nationality of these prisoners?

A French.

Q Do you know where these 1600 Frenchmen are today?

A Only 38 of them are left, 38 came back, 34 are still living at the present time.

Q Thirty-eight came back from where?

A From Germany.

Q Were all 1600 at Ellrich?

A Yes.

Q How many came back from Ellrich, if you know?

A Those 38.

Q What were your duties at Ellrich?

A I was first at the outside labor detail which was called B-12, then I was for two months and a half at the labor allocation office, then again at the tunnel of the B-12 detail at Wolfleben.

Take 182 - Nordhausen
9-3-adh-1

Q Mr. Caton, I would like you to look around the court room and tell me if you can identify any of the accused. Mr. Caton, you can walk closer to the dock, if you please. Would you please go closer to them and point them out?

A M/Sgt. Brinkmann.

Q Would you please point to Brinkmann again?

A He is the man. (Indicating.)

CAPT. McGARRY: Let the record indicate that the witness has identified the accused Brinkmann, wearing placard No. 3. Where do you know Brinkmann from?

A From Ellrich.

Q What was Brinkmann's position at Ellrich?

A He was camp leader or first protective custody leader. I do not know exactly, because I was not in a position to ask questions and check his exact position.

Q What can you tell the court about Brinkmann?

A Brinkmann was particularly severe and particularly hard and did everything he could to make life difficult and almost impossible.

Q Do you remember anything specific that he did, or any specific order that he might have given?

First thing every morning he was there to watch over the details when they were leaving and when the prisoners were sick and they couldn't stand up, he would send them to work just the same, even if they were barefoot and while he was camp leader and protective custody leader he would leave them in the camp without any clothing or without any shoes. Thus in December and in January there were approximately 1500 prisoners in the camp without any clothing or any shoes. That varied between 800 and it went as far up as 1500.

Before we go into those figures, Mr. Caton, what were your duties in the labor allocation office?

A We received from the secretary's office the strength report, which gave the strength of the men in the camp.

Q What information did one of these strength reports contain.

A It contained the number of prisoners; they were split according to the category they were in, the nationalities, and also the number of those who were not at work for some reason or another. Thus, during the month of December and January was listed on those lists the number of prisoners who were either without clothing and without shoes, or without clothing or without shoes.

Q Mr. Caton, in relation to these strength reports which came to the office, which you were in, what were your duties in connection with them?

A We had to mark down the names of the dead, take the cards of the dead and place them in a special file.

Q Can you recall from the reading of these strength reports, the condition of the inmates in the way of clothing in December of 1944 and January of 1945?

A I do not know it by heart, but we received from the American authorities the documents which were at the Ellrich camp and we have some photostats of them, and it is very easy to see from those documents the number of prisoners who were in the midst of winter by minus 20 degrees without any clothing or any shoes.

Q Do you know whether or not these photostats are photostatic copies of the original document which you saw at Camp Ellrich?

A Yes, they are certainly some photostats of the originals, because the signature of Brinkmann appears on them.

Q Have you, in the last day or so, made a compilation of such statistics in regard to the clothing from these photostatic copies?

A Yes.

Q Would that compilation which you have made help you in any way to refresh your memory?

A Yes, certainly.

Q May I see that compilation?

A The original documents are there; the signature of Hauptscharfuehrer Brinkmann can be seen on them.

Q Getting back to the clothing, in December of 1944, will you give the court some idea of what the clothing situation was then among the inmates?

A I am only speaking of the documents which are signed by Brinkmann. For instance, the strength reports of the 7th of December, 898 without clothes. On the 8th of December, 836. On 11th of December 943.

PROSECUTION: I wonder if we could agree with the defense on these statistics on the basis of the testimony of the witness that they were compiled directly from the books themselves by him? Introduce these statistics in evidence as statistics compiled by him and read them into the record, and save a great deal of time, the way this thing is going in now. If I remember correctly these statistics are, first of all, the total strength in any particular period, the number who have died within a stated period, the number without any kind of clothing within a stated period, the number without shoes or without clothes, and so on, and we have it for a few months, as the witness has said, for those periods where the originals were signed by Brinkmann. If we can agree that they be introduced or read into the record, instead of dragged out piecemeal, it would save a great deal of time.

DEFENSE COUNSEL: May I request a recess in place for a few minutes?

PRESIDENT: No, the court will recess out of place for fifteen minutes.

(Caton - direct)

PROSECUTION: I just want to make one statement for the record. These original documents belong to the French Government, they will not permit them to get out of their hands. That complicates our situation.

(The court recessed at 1605 hours.)

(The court reconvened at 1620 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all the members of the court are present, all the accused are present, the prosecution and the defense are represented by counsel, the reporter and the interpreter are present. At the end of the last session the witness Caton was under direct examination.

PAUL EMILE CATON, called as a witness by the prosecution, having been previously sworn, resumed the stand and testified further through an interpreter as follows:

DIRECT EXAMINATION (continued)

QUESTIONS BY PROSECUTION:

PRESIDENT: The witness is reminded he is still under oath.

PROSECUTION: During recess, may it please the court, a stipulation was agreed upon and entered into orally between the prosecution on the one hand and defense counsel and the accused Brinkmann on the other, with respect to certain statistics at Camp Ellrich. It is stipulated and agreed by and between the parties which I have named that the total number of deaths which took place in Ellrich in November, 1944, was 152; that the total number of deaths in Ellrich for the month of December, 1944, were 494, that the total number of deaths in Ellrich for the month of January 1945 was 878, that the total number of deaths in Ellrich for the month of February 1945 was 742, that the total number of deaths in Ellrich for the month of March 1945 was 1347. These are the total deaths for the months I have mentioned, irrespective of cause of death.

PRESIDENT: Is the witness familiar with those figures? If so,

I do not see the necessity for the translation into French.

PROSECUTION: They were prepared by him. So far as the prosecution is concerned, we will waive the French translation.

DEFENSE COUNSEL: We will waive it.

PRESIDENT: But the witness is informed that the translation of these figures into French is not requested by the court because it assumes that the witness already is familiar with it.

PROSECUTION: It is also agreed between the prosecution and counsel for the defense and Brinkmann that the following statistics for the month of December, 1944 were taken from original reports signed by the accused Brinkmann himself, and I will now read these into the records 7th December 1944., place 463—898 inmates without clothes and shoes, December 8, 1944, 836 inmates without clothes and shoes; December 9, 1944, 832 inmates without clothes and shoes; December 10, 1944, 242 inmates working from the number of 7,455, in spite of being free Sunday; December 11,943 inmates without clothes and shoes, December 12, 1944, 972 inmates without clothes and shoes, December 13,1206 inmates without clothes and shoes, December 14, 1242 without clothes and shoes, December 15, 920 inmates without clothes and shoes, December 16, 598 inmates without clothes and shoes, December 17, 541 inmates without clothes and shoes, December 18, 635 inmates without clothes and shoes; December 19, the figure is 577. Two figures under December 19, 600 also the second figure without clothes and shoes and opposite that is the word "invalids". December 20, 533 without clothes and shoes; December 21, 499 without clothes and shoes, December 22, 533, December 23, 545, December 26, 692, December 29, 739. All these figures refer to inmates without clothes and shoes.

I now ask the court to accept the stipulation between the defense and the accused as I have just read it into the record.

PRESIDENT: Does the defense request that that tabulation be

(Eaton - direct)

read in German?

DEFENSE COUNSEL: I believe a German translation exists and we can show it to the accused at a recess, so that it will not be necessary to read it in open court. The only qualification to the stipulation that I would like to make is, we stipulate that these figures represent a summary prepared by this witness of the records we have examined, which purport to be photostatic copies of the original records.

PRESIDENT: The stipulation as stated by the prosecution and as amended by the defense will be accepted by the court.

QUESTIONS BY PROSECUTION (continued)

What was the nationality of the people among these listed as dead?

A There were some Russians, Poles, Frenchmen, Belgians, Dutchmen, Greeks Of all nationalities, and also two Americans.

Q What was the nationality of the people who were included among these lists of people without clothing and shoes?

A They were mixed. They were of all nationalities, but especially they were Frenchmen, Belgians and Dutchmen.

PROSECUTION: Prosecution has nothing further from this witness.

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q Mr. Caton, these figures of prisoners who were inmates without clothes and shoes, do you mean by that that these prisoners were completely naked?

A No. At that time they were without their jackets and pants but they had their shirts. They were generally dressed in a shirt and shorts but many did not have any shorts, without any long underwear. Later, when the convalescent block was created, during the month of February or March,

(Caton - direct)

they were totally naked, without a shirt or long underwear.

Q Now the purpose of this report which you have abstracted was to justify that a certain number of inmates did not report for work, isn't that a fact?

A I don't know that. I don't know what they were used for. It was established for the management of the camp and not for us.

Q Now those prisoners that didn't have any clothes or shoes did not go to work did they?

A No.

DIRECT COUNSEL: No further questions.

THE WITNESS: But they were made out during roll call in the blocks and sometimes those roll calls lasted for hours and hours and the prisoners had to stand there without a shirt or long underwear without a blanket.

CROSS EXAMINATION BY DEFENSE COUNSEL:

Q Now did you know a block schreiber by the name of Renee Hell at Ellrich?

A Which block?

Q I don't have that information.

A No, I don't know.

CROSS EXAMINATION BY DEFENSE COUNSEL:

Q Mr. Caton I see that you have documents here. Can you determine if in the middle of March a transport left for Dora or for Boelke Caserne, Nordhausen sick people and invalids?

A Yes, but that was in the beginning of March and not in the middle of March.

Q Can you give the number of prisoners who went to Dora or to Boelke Caserne?

A Yes, I believe they were 1600. Yes, and that day the invalids and the ones who were without clothing were dressed rapidly and they were there in the snow and between the camp and the railroad station there were (Caton-cross)

Q Now the purpose of this report which you have abstracted was to justify that a certain number of inmates did not report for work, isn't that a fact?

A I don't know that. I don't know what they were used for. It was established for the management of the camp and not for us.

Q Now these prisoners that didn't have any clothes or shoes did not go to work did they?

A No.

THE COURT: No further questions.

THE WITNESS: But they were made out during roll call in the blocks and sometimes those roll calls lasted for hours and hours and the prisoners had to stand there without a shirt or long underwear without a blanket.

QUESTIONS BY THE COURT:

Q How did you know a block schreiber by the name of Renee Hell at Ellrich?

A Which block?

Q I don't have that information.

A No, I don't know.

QUESTIONS BY DEPUTY COMMISSIONER:

Q Mr. Caton I see that you have documents here. Can you determine if in the middle of March a transport left for Dora or for Boelke Caserne, Nordhausen sick people and invalids?

A Yes, but that was in the beginning of March and not in the middle of March.

Q Can you give the number of prisoners who went to Dora or to Boelke Caserne?

A Yes, I believe they were 1600. Yes, and that day the invalids and the ones who were without clothing were dressed rapidly and they were there in the snow and between the camp and the railroad station there were (Caton-orders)

70 deaths and during roll calls also.

Q Can yr state the percentage of the sick people who were among these prisoners?

A That was a transport of sick people, all sick people.

Q Did it go to Dora or to Boelke aserne?

A We learned later that it went to Nordhausen and we also saw that many died during the first few days in Nordhausen. We received the reports here. I saw a report a while back of one hundred twenty deaths on the day after the arrival.

Q Did you also see reports about later days approximately the middle or the end of March?

A No, we only had those, the ones that we had in Ellrich.

DEFENSE COUNSEL: No further questions.

PROSECUTION: Nothing by the prosecution.

DEFENSE COUNSEL: Nothing by the defense.

PRESIDENT: No questions by the court.

PROSECUTION: May this witness be permanently excused?

DEFENSE COUNSEL: No objection.

PRESIDENT: The witness may be permanently excused.

THE WITNESS: I would like to say a few more words about Brinkmann. He was each morning at roll calls. I did not see him personally beat people, but I personally heard him say this, "You haven't experienced anything yet, but you will experience something from me."

PROSECUTION: Thank you.

THE WITNESS: And really we went through something and most of my comrades died. I heard him say also the following: "No one of you will leave here alive and I will see to it."

(Thereupon the witness was excused and withdrew.)

PROSECUTION: The prosecution calls as its next witness Georges Kassimatis.

GEORGES KASSIMATIS, called as a witness by the prosecution, being first duly sworn, took the stand and testified through an interpreter as follows:

pld-183-4

DIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION:

Q What is your full name please?

A Kassimatis, Georges.

Q Where do you live?

A In Paris. 35 Rue Galande.

Q What is your nationality?

A Greek.

Q How old are you?

A 50 years old.

Q What is your civilian occupation?

A Merchant.

Q Were you at one time a prisoner in a German Concentration Camp?

A Yes.

Q Which ones.

A From 20 April, 1943 to until 15 April, 1945 when I was liberated by the British troops.

Q What concentration camp?

A I was from 20 April '43 until 25 April, no June '43 in Mauthausen. From 25 June '43 until the end of November '43 at Tienor Neustadt and from 28 November '43 until 5 April '45 at Lora except 13 days when I stayed at Buchenwald.

Q What was your first work assignment in Lora?

A I worked in a transport detail.

Q What kind of work did that detail do?

A We unloaded cars which arrived either full of merchandise or cement or bricks.

Q How long were you on that detail?

A I was in this detail until the month of May '44.

(Kassimatis-direct)

Q Who was in charge of that detail?

A A capo.

Q After the transport detail what was your next work assignment?

A I was two months at the dispensary. After that in the camp detail then I went back to the tunnel to go back to my detail until the month of November '44. Then I went for another month to the dispensary. A month afterwards in the asphalt detail. From the month of February '45 until the end of our evacuation I went back to my detail in the tunnel.

Q What did you say your detail was after you came out of the dispensary for the first time?

A The transport column detail.

Q Who was in charge of the transport detail?

A A capo and two civilians.

Q Where did you work?

A And the unloading of cars. Either to unload some material for machines or some cement or some bricks.

Q Now you were in the dispensary twice. Why were you in the dispensary?

A I was suffering from a sickness called polyneuritis which is a small paralysis because of the lack of vitamins and it was impossible to walk or to work.

Q Now when did you first work in the tunnel?

A Very hard and 12 hours a day.

Q I don't mean the hours of the day. During what months and what year did you work in the tunnel?

A 25th November '43 until the middle of the month of May.

Q What period of time did you work in the tunnels, the second time you went back into the tunnels?

A The second time I was in the tunnel during the months of September, October, November.

Q What year?

A '44. The second time I worked from the middle of the month of February until the evening of 4 April.

Q So that altogether you worked in the tunnel on three separate periods of time?

A Yes.

Q Now Mr. Kassimatis during the time from the time you first came to Dora until you left in April '45 were you always in Dora or were you part of the time in an outcamp of Dora?

A No, I was always in Dora.

Q Now during that period of time that you were in Dora you came to know members of the SS and other personnel in that camp, did you not?

A Yes.

Q Will you please look around the courtroom and see if there are present here any of the people you met in Dora? If there are will you point to them one at a time. Will you step over to them please and point at them?

A I can see from here.

Q Well the court would like it better and so would I if you went a little closer.

A I know the first one.

Q What is his name?

A I never knew his name. I knew that he was the general manager of the factory. Here I learned that his name was Riekhey.

PROSECUTION: Let the record show that the witness has identified the accused Riekhey wearing placard number 14.

(Kassimatis-direct)

A I recognize the second one. He was roll call leader when I arrive at Dora. I learned here that his name was Graumy.

PROSECUTION: Let the record show that the witness has identified the accused Graumy wearing placard number two.

A I recognize the third one. He was chief of the Post Office Andrae and I learned here that his name was Andrae.

PROSECUTION: Let the record show that the witness has identified the accused Andrae wearing placard number one.

A I recognize the fourth one who was in the bunker. I recognize the seventh one.

Q Just a minute. What is the name of the fourth one?

A Buehring.

PROSECUTION: Let the record show that the witness identified the accused Buehring wearing placard number four.

A I recognize the seventh one who was a prisoner like us, a camp oldest at Dora. His name was Zwiener.

PROSECUTION: Let the record show that the witness identified the accused Zwiener wearing placard number 19.

A I recognize the 8th one. He was at the supply room. I learned all their names here because over there it was impossible to find out their names. We marked some things on pieces of paper but each week they would disappear.

Q Do you remember his name now?

A Ulbricht.

Q What was his job?

A He was at the clothing supply room.

Q Which clothing store?

A The clothing store.

Q Rosso? Was it the prisoners clothing or the SS clothing?

(Kassimatis-direct)

A No, he was 38. Of the clothing of the prisoners. Of our clothing.

Q Do you remember his rank?

A I don't remember. He had something like--well, it wasn't Sergeant but it was higher than soldier.

[illegible] OPEN EL: Let the record indicate that the witness has identified the prisoner bearing placard number 8 as Ulbricht.

QUESTIONS BY PROSECUTION:

Q Next one please.

A I recognize after that the leader of the construction detail.

Q What was his name?

A Jacobi.

Q PROSECUTION: Let the record show that the witness identified the accused Jacobi wearing placard number 9.

Next.

A I recognize Kilian from Wiener Neustadt.

PROSECUTION: Let the record show that the witness identified the accused Kilian wearing placard number 10.

Next please.

A I recognize the second one. I recognize also the first one.

Q What is the name of the first one?

A Koenig.

Q What was his job?

A For a certain amount of time he was roll call leader.

PROSECUTION: Let the record show that the witness identified the accused Koenig wearing placard number 11.

A I recognize afterwards this one. He was at the Labor Statistics Office.

Q What is his name?

(Kasmatis-direct)

A Simon.

PROSECUTION: Let the record show that the witness identified the accused Simon wearing placard number 16.

Next.

A I don't know this one. I know this one. He was at the SS dispensary.

Q What was his name?

A Mansley, Massley. A name like that.

PROSECUTION: We will argue this out now. Let the record show the witness has identified the accused Maischein wearing placard number 12.

A I recognize this one.

Q What is his name?

A He was leader of the camp.

Q What is his name?

A Moeser.

PROSECUTION: Let the record show the witness has identified the accused Moeser wearing placard number 13.

A I recognize afterwards. He was capo at the bunker.

Q What was his name?

A Valenta.

PROSECUTION: Let the record show the witness has identified the accused Valenta wearing placard number 18.

A I recognize the last one. Roll call leader.

Q What is his name?

A Brinkmann.

PROSECUTION: Let the record show the witness has identified the accused Brinkmann wearing placard number three.

PRESIDENT: The court will recess until nine o'clock tomorrow morning.

(Thereupon at 1700 hours the court recessed.)

MILITARY GOVERNMENT COURT

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VOLUME 19
Pages 1274 thru 1338

CASE RECORD

CASE NO. 000-50-37

PROSECUTOR Lt. Col. A. Berman

SUMMARY
INTERMEDIATE MILITARY COURT
GENERAL

DEFENSE COUNSEL Maj. L. Poullada
Lt. Col. Meisenheimer

INTERPRETERS Helly Inger
George Converse

PLACE Camp Dachau, Germany

REPORTERS Peter L. Di Corti
Gloria L. Spears
Mabel D. Holt
Eunice L. Wasdorff

DATE 4 September 1947

WITNESSES

GEORGES KASSIMATIS

ACCUSED ARTHUR KURT ANDRAE, et al

ADDRESS _____ SEX _____ AGE _____

	FIRST CHARGE	SECOND CHARGE
PLEAS		
FINDINGS		
PREVIOUS CONVICTIONS		

SENTENCE

IMPRISONMENT (TERM _____
(BEGINNING _____ 194_____

FINE AMOUNT _____
TO BE PAID BEFORE _____ 194_____
FURTHER TERM OF _____ IMPRISONMENT

CHARGE SHEET AND RECORD OF TESTIMONY ARE ANNEXED HERETO.

SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY _____

SIGNATURE OF REVIEWING AUTHORITY

#STRIKE OUT WORDS NOT APPLICABLE

R E C O R D O F T E S T I M O N Y

In trial of

THE UNITED STATES versus ARTHUR KURT ANDRAE ET AL

by

GENERAL MILITARY GOVERNMENT COURT

tried at

CAMP DACHAU, GERMANY BEGINNING 7 AUGUST 1947

4 September 1947 Pages 1274 thru 1333

T E S T I M O N Y

WITNESS:	Direct	Cross	Redirect	Recross	Court
GEORGES KASSIMATIS		1289	1330	1331	

Camp Dachau, Germany

4 September 1947

MORNING SESSION

(Whereupon the court reconvened at 0900 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present; two of the accused, I believe, are absent this morning -- Kilian and Brinkmann -- absent having a medical examination; the prosecution and defense are represented by counsel; and the interpreters and reporter are present.

At the end of the last session the witness Kassiratis was under direct examination.

PRESIDENT: Has the witness completed his identifications?

PROSECUTION: Yes, he did yesterday afternoon.

PRESIDENT: Then, will the other accused turn their placards with their numbers showing.

(Whereupon the accused did as instructed.)

PRESIDENT: The witness is reminded he is still under oath.

GEORGES KASSIRATIS, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, testified further through a French interpreter as follows:

(Whereupon the proceedings were translated into the German language.)

DIRECT EXAMINATION (continued)

QUESTIONS BY PROSECUTION (continued):

Q Yesterday you identified one of the accused as the man in charge of the prisoner clothing shop. Do you remember that?

A Yes.

Q Will you tell the court what you personally know about him?

A I knew that he was in charge and he was supervisor of our clothing warehouse -- of the clothing warehouse of the prisoners. We were very badly clothed. We had the striped clothes, and they were very often torn.

Q Did you ever personally go to the prisoners' clothing supply warehouse?

A I went there personally for some shoes because they gave me some wooden shoes, but they contained two feet inside them.

Q What do you mean by the statement "they contained two feet inside"?

A They were too large and made out of wood. I put some rags and pieces of paper inside them, but it was still impossible to walk with them because I was working in a detail where one had to walk during all working hours.

Q What did you do about it?

A So I went there and asked that they be changed so that I would be able to walk.

Q Where did you go?

A To the warehouse -- to the clothing warehouse -- to the building where the clothing warehouse was.

Q Tell the court what happened when you got there. What you saw and what you heard.

A I went there and I asked some comrades who were there, and then the accused came out and he said loudly, "What's going on here?" We could see that something was taking place. He took a piece of rubber and he began to beat us all.

Q How many did he beat?

A There was about 10 of us there, but I had my shoes in my hands; by the time I picked them up I was beaten and I received some blows with his -- from his feet and his boots.

Q What happened after that?

A But he threw the shoes outside and I stopped to pick them up and I was afraid and I ran and I continued to use those shoes for 10 days and to walk with difficulty.

Q Did you ever personally go to the prisoners' clothing supply warehouse?

A I went there personally for some shoes because they gave me some wooden shoes, but they contained two feet inside them.

Q What do you mean by the statement "they contained two feet inside"?

A They were too large and made out of wood. I put some rags and pieces of paper inside them, but it was still impossible to walk with them because I was working in a detail where one had to walk during all working hours.

Q What did you do about it?

A So I went there and asked that they be changed so that I would be able to walk.

Q Where did you go?

A To the warehouse -- to the clothing warehouse -- to the building where the clothing warehouse was.

Q Tell the court what happened when you got there. What you saw and what you heard.

A I went there and I asked some comrades who were there, and then the accused came out and he said loudly, "What's going on here?" He could see that something was taking place. He took a piece of rubber and he began to beat us all.

Q How many did he beat?

A There was about 10 of us there, but I had my shoes in my hands; by the time I picked them up I was beaten and I received some blows with his -- from his feet and his boots.

Q What happened after that?

A But he threw the shoes outside and I stopped to pick them up and I was afraid and I ran, and I continued to use those shoes for 10 days and to walk with difficulty.

Q What happened to your feet?

A I continued to walk for 10 days, until the capo one day rounded up the ones who absolutely needed shoes and took us to the clothing warehouse, where they gave us some other shoes which were made out of cloth and wood; they were not new, but at least it was possible to walk with them.

Q Do you remember about when this happened?

A It was during the month of September.

Q Of what year?

A '44.

Q How often did you go to the clothing supply during the entire time you were at Dora?

A Only once for the shoes.

Q Do you know anybody else that ever went there?

A Almost everybody because, firstly, for several months we never changed our clothing.

Q What happened to these other people, do you know?

A Almost all of them were -- had the same kind of shoes and some of them even had broken heads.

Q What do you mean by "broken head"?

A That is to say, they received some blows on the head.

Q By whom were they beaten?

A The SS of the clothing warehouse.

Q Now, will you once more point out to the court the one that beat when you went to get this pair of shoes?

A The one who wears Number 8.

PROSECUTION: Let the record show that the witness has identified as the head of the prisoners' clothing supply company the accused wearing placard Number 8.

Q Now, you have also identified Waischein. What can you tell the court about Waischein?

A That one was SS at the dispensary.

Q What can you tell the court about him?

A I heard from some comrades who were watching everything that happened in the camp that he burned during the night some bodies in the crematory. Those bodies were of an unknown identity.

Q Can you tell the court who it was that told you this about Weischein?

A Some comrades, especially the ones who worked in the dispensary, in the prisoners' dispensary.

Q Can you give their names to the court?

A Dr. Cespive, a Dutch medic who is not here right now, a Belgian medic.

Q What was the name of the Belgian medic, do you know?

A I don't remember his name. He was a man who was a medic during practically the whole period in the dispensary.

Q Can you tell the court the name of the Dutch medic that told you that?

A His name was Georg Cruenesveldt or something like that. It is about that. It is not exactly that. It is something like that -- Cruenesfeldt.

Q Have you seen that Dutch medic since?

A No, I saw him until the day of our liberation at Bergen-Belsen.

Q Who else told you that about Weischein?

A It was the comrades who around the dispensary --- It was at night, so there were not many of them, but they were trying to find out what was going on.

Q Do you remember any other names?

A No.

Q You also identified the accused Rickhey. When did you first meet Rickhey?

A In '44 at the end of April or the month of May.

Q Where did you first see him?

A In the tunnel. We heard that a new director had arrived.

Q How many times did you see Rickhey?

A After my second return to the tunnel I saw him several times -- 5, 6, 10 times maybe.

Q Where did you see him?

A In the tunnel.

Q Do you remember just exactly where you saw him in the tunnels?

A In Tunnel B, in the large tunnel where he was carrying out an inspection with the staff of civilian engineers.

Q Did you ever see him with people who were not civilians?

A Always with the SS who were numerous in the tunnel. Every 15 meters there was an SS.

Q Can you give the names of some of the SS you saw with Rickhey?

A If I remember properly, it was the one who is wearing Number 2.

Q What is his name?

A Braun. He was detail leader.

Q Do you remember any other SS that you saw with Rickhey?

A Yes, there were some others, but I don't see them here.

Q Now, tell the court what you know about Rickhey.

A I know that after the arrival of Rickhey the situation had become even worse.

Q Upon what do you base that statement?

A The work was harder, the supervising was greater, and the blows were more numerous.

Q In what respect was the work harder?

A The capos pushed us so that we would work more; they beat us. And even the civilian engineers had become harder.

Q Who was present at some of these beatings that took place in the tunnel?

A Of ourselves?

Q No, the SS or the civilians?

A The civilians and the SS and sometimes the civilians would call the SS over.

Q Can you name some of the people who were there during the beatings?

A Of the civilians?

Q Civilians, SS, anybody you can name.

A I can't give any names of civilians because I don't see any civilians among the accused except Hickney. For the SS I could give the name of Bremmy.

Q Was Hickney present during any of these beatings?

A Certainly.

Q How many times did you see him present during the beatings?

A Twice--at least twice.

Q Where did these beatings take place?

A Once in front of Block 42. That was the block where the torpedo was inspected because the capos and the civilians in order to show that they made us work more would beat us and make us suffer in his presence.

Q Did you see these beatings yourself?

A Yes, not by him.

Q How far were you from these prisoners who were beaten in Hickney's presence?

A Very close because I passed in front of it while I was carrying some material. We distributed material in the whole hall.

Q With what were these prisoners beaten?

A With a stick.

Q How often did you see them beaten--how many times?

A The civilians?

Q The prisoners.

A All the time.

Q How many blows did these two prisoners who were beaten in Hickney's presence receive?

A I cannot tell you exactly the number of blows but it was done so fast that it was impossible to count them.

Q On what parts of their bodies were these two particular prisoners beaten?

A Especially on the buttocks with kicks.

Q What can you tell the court about the food furnished to those working in the tunnels during your second period of work in the tunnels and your third period of work in the tunnels?

A In the beginning the food was very bad.

Q What period of time are you talking about now?

A From November '44 until the time when the new kitchens were built.

Q When was that?

A It was a liquid, some water with some pieces of beets or turnips.

Q You said that they had built a new kitchen. I am asking you when was the new kitchen built?

A It began at the beginning of '44.

Q My question--my original question was this, please listen--what can you tell the court about the food furnished the people working in the tunnel during your second and third visits in the tunnel or the second and third times you went to work in the tunnel?

A The food was always the same. It was bad, very bad, except with this difference. At the beginning we did not receive the food regularly. After our time of work we had to go and sleep 4 or 5 hours, and then afterwards everybody was assembled; everybody who worked in the tunnel, and the distribution was done in hall 36. And we were so tired and weak that

sometimes we preferred not to go and get the soup because one had to stand in endless lines just to receive one liter.

Q I am not asking about that--I am sorry to interrupt. I really wish you would listen to the question. What can you tell the court not about the quality of the food but of the quantity not in the first time you worked in the tunnel but in the summer and the winter of 1944?

A The food was always bad and the quantity insufficient.

Q During these times that you saw Hickney in the tunnel did you ever hear him say anything?

A Yes.

Q What?

A The capos assembled us to transmit to us the orders which they received from the civilian engineers who had received them from the management to the effect that we were fed by the management, and that if we did not work sufficiently he would be obliged to cut out the food. And at the beginning of '45 the food was already cut out.

Q By whom was this food cut out, cut down, or--

A I cannot say exactly, but after the orders were given out by the management we received less soup, three times a week some bread--one bread for six, and four days a week we received three potatoes--frozen or rotten.

Q Who was the management?

A It was the administration, Hickney, and his staff, the administration of the tunnel.

Q Now, a little while ago I asked you if you ever heard Hickney say anything, and you told me the story about the capos. Now, I ask you the same question. Did you ever hear Hickney say anything, and if you did, tell me what you heard?

A Hickney hollered and demanded work.

Q What did he say? As nearly as you can remember, please try to repeat the words or the substance of the words you heard Hickney say.

A. Rickney said, "Work, because the work isn't at Loisnt".

Q What else did he say, if anything?

A I did not hear in my entirety also, but he did tell the camp who was summoned at his place that he was not at all satisfied at the work, and that he should make the work by all means possible.

Q How do you know he told that to the camp?

A The camp itself transmitted that to us. The civilians had transmitted that to him.

Q What was the result of this order which Rickney gave the camp?

A We worked harder; we were beaten more. The civilians became more severe, and I remember very well that in my detail every day the civilian engineer in my detail beat us himself.

Q What happened to the prisoners or some of the prisoners as a result of these instructions given the camp?

A In a few days they entered the dispensary because of the blows they were receiving, and they were sent into details where the blows were even harder and the work was worse.

Q Did you ever see anybody die?

A Immediately after the blows, no, but I know that many of my comrades received some blows. They entered the dispensary and they never came out again.

Q Did you ever see any hangings?

A Yes.

Q Where at?

A I saw some during 1944 in the small quarry in the camp. I saw the hangings in the tunnel, and I saw the hangings on the roll call square in '45.

Q What hangings did you see in the tunnel?

A I first saw two Russians who were hanged in front of their machine without any sentencing.

Q Where was this?

A In Hall 31 or 35—I don't remember exactly.

Q Who did the hanging?

A An SS who was called over by a civilian engineer.

Q By whose orders were these two Russians hung, if you know?

A They were caught during work because they weren't working sufficiently. They were making something—a spoon, and that was considered to be sabotage. The capo told a civilian engineer about it and the civilian engineer called the SS who was near him. The SS brought a piece of wire and hanged them over their machine.

Q When did this happen?

A It was about during the month of November 1944.

Q Were you ever beaten in the tunnel yourself?

A Several times.

Q Why?

A Without reason. I was beaten once because during the winter we had a jacket and a shirt, and I had placed on my back a piece of paper which came from a cement bag.

Q What year was that?

A It was during the month of March or February of '45.

Q Were you ever beaten in the tunnels after that time?

A Several times.

Q When?

A I was beaten during the first period three or four times because it was impossible to walk fast because of the material which was too heavy.

PRESIDENT: The court will recess for 20 minutes.

(Whereupon the court recessed at 1000 hours.)

* * *

(The court reconvened at 1020 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court, are present, all the accused with the exception of Willin and Brinkmann, are present; these two are absent being examined by a psychiatrist; the prosecution and defense are represented by counsel, the interpreter and the court reporter are present. At the end of the last session the witness Kassimatis was under direct examination.

GEORGES KASSIMATIS, called as a witness by the prosecution, having been previously sworn, resumed the stand and testified further through an interpreter as follows:

DIRECT EXAMINATION (continued)

QUESTIONS BY PROSECUTION

PRESIDENT: The witness is reminded he is still under oath.

WITNESS: Yes.

Q At the end of the last session I was asking you about beatings which you personally observed in the tunnels. Were you ever beaten in the tunnel after July or August, 1944?

A Not then, before.

Q Where were you beaten?

A I was beaten by the SS, I was beaten by the civilian engineers, and I was even beaten by the capos.

Q With what instrument were you beaten?

A I was beaten by the SS with a large rubber hose, I received 25 blows on the buttocks.

Q With what were you beaten by the civilians?

A I received a slap from a civilian and I fell down to the ground because of that slap.

Q With what were you beaten by the capos?

A With a stick, with kicks, and with the hands.

Q Just exactly where were you in the tunnel and what were you doing at the time you received these beatings?

A I was in a detail which transported material.

Q Why were you beaten?

A Because of the sickness I was suffering from, which was paralysis, because of lack of food.

Where were you paralysed?

A In the feet and in the hands and I did not have the strength to carry heavy things.

Q Will you tell the court again just exactly why you were beaten?

A For example, while carrying material I was forced to walk less than the other comrades, so when I lagged behind I received some blows from the capos and several times some SS were present and they also participated.

Q Where was Hall No. 35?

A The Hall No. 35 was almost at the end.

Q What was Hall No. 35?

A In Hall 35 they installed, towards the end, a small barracks in which to place the bodies of the dead.

Q When was this barrack installed in Hall 35?

A It was installed approximately during the month of November, 1943.

Q And how long was it used for the purpose you indicated?

A Until the first months of 1944, until February or March.

Q Now you also identified the accused Moeser. Will you please tell the court briefly what you know about Moeser?

A Moeser was the leader of the camp. I saw him several times in the tunnel but I saw him more often while I was working in the camp detail. During the executions of March, 1945, he was present at those executions and he fired his pistol on the ones who were hanged.

Q At how many people did he fire his pistol?

A I cannot tell you exactly; perhaps about ten people, or

five, I can't say exactly.

Q At what part of the body did Koeser fire his pistol?

A On the head.

Q Where were the people at the time Koeser fired the pistol?

A They were dead already.

Q Where were they? Were they hanging on a rope or on the ground, or where?

A Some of them had been hanged already. Koeser was present during the hangings.

Q These people at whom Koeser fired his pistol, were they still hanging or were they already taken down from the rope?

A They had been taken down from the rope.

Q Can you tell the court why Koeser would shoot at these people with his pistol after they were lying on the ground?

A For us, we couldn't explain it, because they were dead, but we thought it was a sort of barbarian mania.

Q Where were you standing at the time Koeser fired these shots?

A On the rollcall square, at a distance of about fifty meters, because during the hangings all the detailed who were not working were assembled.

Q About how many prisoners were present at these occasions when you saw Koeser fire his pistol?

A Half of the camp, approximately seven to eight thousand. We were forced to go down to the rollcall square and witness those executions.

Q Upon what kind of ground were you standing at the time Koeser fired the shot? Hilly ground, level ground, or what kind of ground?

A No, there was a place which we had built ourselves with some kind of square pieces. It was a large place, exactly the two points. Here were the gates, the hangings took place here, and we were assembled all on this place. (Indicating on map.)

PROSECUTION: Let the record indicate that the witness has

pointed to Prosecution Exhibit No. 22, which is marked by the word "Entrance". He points to the place of gallows as the rollcall place, shortly inside the camp from the point of entrance, and the general rollcall area as the place of assembly for the prisoners. You identified the accused Jacobi, what do you know about him?

A Jacobi was the leader of the construction detail. He was known as a very harsh SS. I personally know two things about him. Firstly, I personally saw that he beat a comrade in such a way that he passed out. He remained in a corner during the whole day and in the evening after work he ordered that he should be taken to the crematory, but he was taken to the dispensary, and the next day he was dead. Secondly, during the end of the month of May--

Q What year?

A 1944. --a transport of Hungarian Jews arrived who were approximately the number 50,000. There were even some children from 12 to 14 years old in that transport. The whole transport was placed at the disposal of the detail in order to carry some large panels. During that work, which was very hard, I saw Jacobi beat the fellows who couldn't carry the things or who didn't walk fast enough.

Q How did Jacobi treat these children?

A With a cudgel. He always had a board or a stick, and he beat them.

Q You also identified the accused Buehring. Tell the court very, very briefly what you know about him.

A Buehring was at the bunker. He accompanied some men who were condemned to the execution place. I heard from some comrades that they had been struck down very savagely by him in the bunker.

Q Now you also identified the accused Simon. What can you tell the court about Simon?

A Simon was at the labor statistics office. Simon told the capos

(Kassimatis - direct)

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that the work was not sufficient and that he would cut out the food, and almost every day through the radio and P. A. system in the blocks they called out so that they would present themselves at the labor statistics office. The prisoners who had been denounced by the capos as not having worked sufficiently, and there they received terrible blows, either 25 or 50. And the shouts of those unfortunates was heard from far away. And Simon was present during that tragedy.

Q You recognized the accused Valenta. What can you tell the court briefly about him?

A Valenta was capo at the bunker. We had learned that Valenta was an agent of the Gestapo and I learned from the comrades that he was the man who tortured and struck people down more than any ody else.

Q You also recognized the accused Brinkmann. What can you tell the court about him?

A Brinkmann was the block leader of the camp. He was very harsh and he ordered that we remain on the roll call square for several hours, while doing some exercises. And especially on Easter Day he kept us on the roll call square for six hours and while at the time of breaking up of the roll call he was present when he could see the camp police armed with sticks beat us and strike us and we had to be out of that place within five minutes.

PROSECUTION: Your witness.

CROSS EXAMINATION

QUESTIONS BY DEFENSE ATTORNEY:

Q Cross examination for the accused Maischein, Simon and Mickbey.

You spoke about the work statistics before. Where in the camp is this work statistics?

A Next to the roll call square.

Q Inside the protective custody camp, is that correct?

A Inside the prisoners camp.

Q Will you please show on Prosecutions Exhibit P-22 I believe, show us exactly where the work statistics is located?

A It is here. It is here.

DEFENSE ATTORNEY: Let the record show that the witness pointed to a spot on Prosecution Exhibit P-22 which is the first barracks on the right from the entrance to the camp street.

(Massimtis-orces)

Q From what time on was the Work Statistics in this barracks which you have just indicated?

A The camp began to be built during the first month of '44, and the offices were installed during approximately the month of March.

Q Before that there was no work statistics?

A Yes, in tunnel, in the tunnels almost everything was assembled there. There were a few things outside.

Q Were you ever personally in the building of the Work Statistics which you have just indicated?

A Yes.

Q Who did you see there?

A In the offices of the Labor Statistics?

Q Yes.

A I was presented there after I came out of the dispensary in order to get my papers to go to my detail.

Q Who did you meet there?

A The people who were working in the Labor Statistics office and especially as I did not speak anything else but French to some Frenchman who was working in the Labor Statistics Office.

Q Were these all prisoners who were present there?

A All prisoners.

Q And you didn't see Simon there?

A Simon? Yes.

Q Was that the only time that you were in this building?

A No. I was there two or three times.

Q And every time you always saw Simon there, is that correct?

A I saw him also at the tunnel in one of the services of the Labor Statistics Office.

Q Do you wish to say that Simon had his office in this barracks which we have just indicated on Prosecutions Exhibit P-22?

A Yes.

Q That was his permanent office, is that correct?

A Yes, but naturally I never went inside his office.

Q Is that a separate room in which he was sitting?

A I cannot tell you exactly because the prisoners who went inside that office went in there with the intention of getting out of it as fast as possible because very often he beat them.

Q Have you ever personally seen that Simon beat prisoners in this building which you indicated on Prosecution Exhibit P-22?

A No I did not see it, but I hear that he was present.

Q When did you hear it?

A During my stay at the surface detail, the camp detail.

Q When was this? In which month?

A It was approximately during the month of August. I remained for two months in this camp detail in August and September.

Q From whom did you hear that Simon was supposed to have been present during such beatings?

A From the comrades who were beaten who had been called there because--a while back I told you that every day 20 comrades were called there after they had been turned in by the capos.

Q Do you want to say that these approximately 20 prisoners which were called there every day were called there for the purpose only of receiving beatings there?

A Yes. They were called by their numbers which were announced over the loudspeakers of the block.

Q Was it ever stated during this calling through the loudspeaker that people were to go there to receive punishment?

A No. They said simply that such and such a number had to present themselves to the Labor Statistics Office.

(Kassimatis-cross)

Q Then how do you know that all these people received a beating there?

A Because they were people whom I saw afterwards they cried and they were suffering.

Q Did this calling through the loudspeaker--was that done every day at a certain time?

A Especially in the evening.

Q And the people had to report that same evening to the work statistics, is that correct?

A Yes, they said such a number must go immediately to the Labor Statistics Office.

Q You spoke about the accused Maischein about whom you had heard from other comrades from the dispensary?

A Yes.

Q You mentioned a Dutchman with the name something like George Groenfeld. Was this man a doctor in the prisoner's dispensary?

A No, he was an ordinary medic.

Q Wasn't his name Groeneveld?

A No it was not him. I knew Groeneveld. It was not him.

Q When did you hear from these comrades that Maischein was supposed to have been at the crematory?

A I heard about it the day before they saw him at night in the crematory.

Q What do you want to say that you saw the day before?

A I am sorry I meant to say the next day.

Q In which month and what year was this?

A In '44 during the month of September.

Q What did you hear from these comrades?

A I heard them say what abnormally took place during the night at

(Kassimatis-cross)

the crematory.

Q What did you hear further?

A That the SS of the Dispensary were with some other SS and the capo of the crematory and had gone to the crematory in order to burn some bodies.

Q The capo of the crematory was a prisoner, is that correct?

A Yes.

Q What was his name?

A I don't know his name, but I know that he was a German national.

Q You are Greek Mr. Kassimatis, is that correct?

A Yes.

Q What languages outside of French and Greek do you understand?

A I understand well the German language because I remained in the camp for several years.

Q What is the German word for "Travail"?

A Arbeit.

Q What is the German word for "Insufficient"?

A I don't know exactly the word but we would say "Pas", "Viel" or "Nicht Viel".

Q When did you see the deceased Bickhoy for the first time in Lora?

A At the end of the month of April or in the beginning of the month of May.

Q On what occasion?

A During inspection he was doing in the tunnels and as I worked in the transport detail I went into all the halls and passed through both the tunnels.

Q You said under direct examination that you had heard of the arrival of a new director. Who had been the director up until that time?

A Sawatzki. We knew him under the name of Sawatzki.

Q Was Sawatzki, after Bickhoy arrived in Lora, still in Lora?

A We heard later that Sawatzki had fallen out of grace.

Q Did you personally see Sawatski?

A Several times.

Q When was the first time?

A In civilian clothes.

Q When was the first time that you saw Sawatski?

A Since our arrival at the end of '43.

Q When did you see him for the last time?

A About during the month of April because after that I had entered the dispensary.

Q Isn't it a fact that Sawatski was in Nora until the end, until April?

A I saw him at that time.

Q In the spring of 1945, is that correct?

A '44.

Q And after April, 1944 you didn't see him anymore?

A I stayed two months at the dispensary then after that I stayed two months in the surface detail then after that I went back to the tunnels and I didn't see him anymore.

Q In the fall of 1944 or the spring of 1945 didn't you hear that Sawatski was still there?

A No.

Q Did you ever hear the name of Kettler?

A I cannot tell you the names because even if I had heard them two and a half years or three years have gone by already and I don't remember anymore.

Q What names of civilian engineers did you hear?

A Today I don't remember any of them anymore.

Q You also said under direct examination that you were beaten by civilian engineers Where did this take place.

(Kassimatis-cross)

A In my detail.

Q Please designate the spot more clearly in the tunnel where this happened?

A In Tunnel B.

Q What did the engineer have to do there where he was beating him?

A We were carrying some material. The engineer accompanied us in order to deliver this material in the hall where we were to take it. I was carrying a part which was called the "belt" of the torpedo. It was too heavy and it was impossible for me to carry it and walk with it because of my weakness and my sickness. At the moment when I went near the wall in order to place this belt higher on my shoulder this civilian came near me. He made me unload this material and he slapped me so hard that I wore the traces of that slap for 8 days.

Q And how do you know that this civilian was an engineer?

A It was in my detail, and all the civilians there who were in the offices, we called them civilian engineers.

Q Weren't there also civilian masters, foremen, in the factory?

A No, I am not talking about them. We did have some foremen, but I can tell you that the foremen were less severe than the engineers.

Q When did you hear the name of the accused Rickhey for the first time?

A We heard that a new director for the tunnel had arrived because the work was not sufficient and that a new director had arrived in order to increase the output.

Q And in this connection the name of Rickhey was mentioned, is that correct?

A Yes. But we did not know exactly his name.

Q When you then saw Rickhey later on, how did you express yourself toward your comrades that that was the new director?

A We had learned from comrades how the new director was, what was about his size, and in the position we were in we tried to find all details and to get all information about what was going on.

Q Didn't you try to find out the name of this man?

A Yes, we found out about it later.

Q When did you then actually hear the name Rickhey correctly for the first time?

A After I had gone back to the tunnel for the second time.

Q And approximately what month and what year was this?

A I came out of the dispensary about the end of April and I stayed in the camp detail until the end of September '44, and I went back for the second time in the tunnel about the middle of September.

Q If I am correct then, you heard the name of Rickhey for the first time approximately in September, October, or November 1944, is

that correct?

A Yes, it is true that I heard his name at that time. He knew him before. I personally knew him during the end of the month of April or the beginning of the month of May.

Q But didn't you state the following here in the beginning during the identification of the accused, that is: "The director general, I only heard his name for the first time in Dachau"?

A No.

Q You didn't state that on direct examination during the identification of the accused?

A I saw the pictures, but I knew his name because he was one of the most important personalities in the tunnel. His name remained in my memory, but I said "Rickay," and that is the difference between "Rickay" and "Rickhey."

Q I believe you did not understand my question. Didn't you state under direct examination during the identification of this accused that you had not heard his name, did not know his name, until you came to Dachau?

A No.

Q When did you see Rickhey for the second time in Dora?

A After my return to Dora I saw him during the month of September once or twice.

Q Where did he have his office?

A Not in the tunnel.

Q You spoke about the fact that the capoos were called together to receive an order from the management. When was this?

A The capoos were not assembled. The civilian engineers were often assembled by the management in order to receive instructions. After the return of the civilians in the details they assembled the capoos and told them all about what instructions they had received during the meeting with the management.

Q And what special order do you remember which was given to the capoes?

A The capoes told us that the civilians had been called over by the management and that the management had told them that the work was not sufficient and that they had to make us work by all means available because the management paid for our food and in case the work was not sufficient they would cut it out.

Q When was this when this information was given you?

A Before the change of details, when we were relieved the capoes made that speech.

Q Mr. Kassimatis, I wanted to know in which month this occurred.

A That was not once but it was several times. It occurred as soon as I had gone back into the tunnel to my detail.

Q And did the capoes mention the name of Rickhey or did they only speak about the management?

A No, the capoes said like this: "The civilian engineers were called by the directors ---"

PROSECUTION: May I ask whether that was plural or singular, whether he said "by directors" or "director." I am asking the French interpreter.

INTERPRETER GEORGE CONVERS: He said, plural, "the directors," "les directeur."

A (continued) The civilians were called by the directors so the capoes said, and the directors were not satisfied with the work and that they had to make us work with all means at their disposal. That took place each time that the meeting lasted for two or three hours, and afterwards the orders were transmitted to us.

Q If I understood you correctly you stated under direct examination that in the beginning of 1945 the food decreased?

A Yes.

Q Was it stated at that time that this decrease in food was due to the fact that you hadn't worked sufficiently?

A At that time the work output had diminished because we had an increase in sick people.

Q Please answer my question. Was it said at that time that the food was being decreased because there was not sufficient work being done?

A They said that the work was not sufficient and the food was reduced.

Q Was the food decreased or reduced just for your detail or for all details?

A In a general way.

DR. AMEN: It would be a good time to take a recess.

PRESIDENT: The court will recess until 1330.

(Whereupon the court recessed at 1155 hours.)

AFTERNOON SESSION

(Whereupon the court reconvened at 1330 hours.)

PRESIDENT: The court will come to order.

TRIAL JUDGE ADVOCATE: Let the record show that all the members of the court with the exception of Colonel Benson are present; Colonel Benson has been temporarily excused by the appointing authority. All of the accused with the exception of the accused, Klein and Brinkmann, are present. These two are still absent, being examined at the hospital. The prosecution and the defense are represented by counsel. The interpreter and reporter are both present. At the end of the last session the witness, Hartenstein, was being cross examined.

PRESIDENT: The witness is reminded that he is still under oath.

INTERPRETER: May it please the court, at the end of the last session there was a difference of opinion between the French interpreter and myself as to what the witness had said involving the use of "le directeur" or "les directeur", and after the recess the witness was asked directly by the interpreter whether he used the plural or the singular, and I would like for the interpreter to state for the record what he was told by the witness himself, the words that the witness actually used.

INTERPRETER: The witness mentioned the singular, but because of his heavy accent I understood it to be the plural.

PRESIDENT: Then the correct translation should be "the director", is that right?

INTERPRETER: That is right, sir.

DEFENSE COUNSEL: The defense, if it please the court, would like to request the court at this time that any corrections to translations in the future be made in open court, if possible. If there is any difficulty, an agreement as to translation, if it is possible to get an understanding of the correct translation, should be made in court session and not out of session in the future if it is possible.

PROSECUTION: That is a remark which is well received by the prosecution. If the court will remember, I did take exception to the translation. The interpreter insisted that he did say the plural, but we better it out later, but the prosecution will try to do so in the future.

CROSS EXAMINATION

QUESTIONS BY Dr. [illegible]:

Q Mr. Kassimatis, didn't you say this morning during the interrogation that it was "les directeur" or this is what the civilians had said--didn't you use the plural?

A No, I did not use the plural, I said "le directeur", but you must excuse me for my accent because I still have a foreign accent.

Q Isn't it a fact, Mr. Kassimatis, that you also used the plural for the verb in this sentence?

A No, and besides, we did not know several; we only knew one director.

Q Didn't you know SS Major Foerschner?

A No.

Q Did you never hear of the name of the SS Major Foerschner while you were in Camp Dora?

A I cannot tell you the name because I don't remember any name.

Q Who was the camp commander in Dora?

A It was a camp commander who is not [illegible] the accused.

Q You want to tell the court that you never heard the name of this man in Dora?

A I don't know their names; I know them all by their faces.

Q Isn't it a fact that this man who was the camp commander, the SS Major Foerschner at the same time was the director of the Mittelwerke?

A Yes, but I cannot tell you his name for sure; I cannot certify that that was his name.

Q But that is one thing you do know, that at the same time that Rickney was there, he was also director, there, is that correct?

A Yes, but he did not come into the tunnel.

Q Then you did know that there were several directors and not only one, is that correct?

A No, we only knew there was one enterprise there. There was only one director and we knew the enterprise under the name of "Sawatski Enterprise" and afterwards after Rickhey came it was called "Rickhey Enterprise".

Q Didn't you say this morning that Sawatski was there after Rickhey had arrived in Dora?

A No. I said that Rickhey had come to Dora at the end of the month of April or the beginning of the month of May, and that after that time Sawatski disappeared.

Q Didn't you say this morning that when you came the second time to the tunnel you still heard that Sawatski was still there?

A No, I said that on the contrary Sawatski had disappeared.

Q Did you not say that you not only saw that Sawatski was there, but you heard?

PROSECUTION: I pray the Court's judgment. That is the third time that he has asked him, if not the fourth time he asked him the same question.

DR. AHRENS: I believe I am entitled to test the memory of the witness.

PRESIDENT: The objection is overruled.

INTERPRETER: What is the question?

(Thereupon the reporter read the last question, "Did you not say that you not only saw that Sawatski was there, but you heard?")

THE WITNESS: After my return to the tunnel, No.

QUESTIONS BY DR. AHRENS:

Q Did I understand you correctly that you said this morning, that every 50 meters there was an SS man standing in the tunnel?

A Yes.

Q Did this statement refer to Tunnel A or Tunnel B or to both tunnels?

A The SS went around in tunnels A and B and also in the halls of the tunnels.

Q So did I understand your statement then incorrectly if I suppose that you said there was an SS man standing every 50 yards in the tunnel?

A They were not fixed guards, but they went around for watching over the tunnel.

Q How many such SS members were at any one time in the tunnel watching the work according to your opinion?

A I cannot tell you exactly, but they were very numerous.

Q Were there more than 20, or were there more than 100?

A Of course, there were many more than 20, but I can't certify to lower number.

Q You said this morning that the accused Pichney didn't have any office in the tunnel. Do you know the so-called Tunnel Kommando?

A No, I didn't know that.

Q Didn't you ever go to the north side of Tunnel A or B?

A Yes, to the door.

Q Wasn't there a tunnel where officers were?

A I didn't notice that.

Q Didn't you ever hear that the camp commander had an office there at a certain time?

A No, I didn't hear about that.

Q You said that in the beginning of 1946 the food rations of the prisoners were decreased? How much of the food rations were decreased?

A Before we received one liter of soup which was not very good, but was more liquid than the other one, and one bread for four people. And beginning in the beginning of 1946 this ration was three-quarters of a liter, mixed with some warm water. Then after a week we received one bread for six.

(Ka Giannis-Cross)

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and four days [illegible] received three potatoes which were either frozen or rotten.

Q. Is it a fact that at that time the general ration among the Korean population were decreased?

A. There there was a stock of potatoes sufficient to distribute one kilo of potatoes per person.

Q. For what period?

A. After the evacuation some stocks were still left at Seoul. Thus they had enough to give us here, even if we didn't have any bread, though there were also stocks of bread, but they had enough to give us rice potatoes.

Q. You said that after the arrival of Hodge the general situation in the tunnel had gotten worse, is that correct?

A. Yes.

Q. You want to say by that from this time on there were more cases of death among the prisoners than before?

A. There were more sick people. Less work. And it was more severity, and the [illegible], too cold, and the clothing engineers became worse.

Q. Will you please answer my question--or this, you say, by that that as of May 10th after the arrival of Hodge there were more cases of death in the camp?

A. There were more sick or to the sick factor, because the functioning of the dispensary began at that time, but the deaths started at that time; beginning with the month of January the number of deaths increased, naturally that was done due to the increase in work and the lack of food.

Q. So you want to say that as of May 10th there were more cases of deaths than before that time?

A. No, because the functioning of the dispensary began. Before that the sick remained without any care and died on the spot, but beginning with the month of May the sick received a little care, but which did not prevent pneumonia and tuberculosis to cause them to [illegible] a little later.

Q You said this morning, that Hickhey was present at least two times when prisoners were beaten?

A Yes, I was present because at that time I was carrying some material.

Q Were the people that had received the beatings employes of your detail?

A No, it was in another detail and they were beaten by their capos.

Q When and where did the first of these incidents take place?

A It was between house 40 and 42 during the month of September or October.

Q At what tunnel?

A At tunnel B.

And who, outside of Hickhey, was present?

A There were the civilian engineers, the capos, and the SS who were going around a little further.

Q Did Hickhey stand there at this spot, or did he just pass through?

A He looked over the hall; that was the place where the big assembly of the torpedo took place, and he must have seen that something was going on. The capo wanted to show in his place that he was executing his orders, that he was making the prisoners work by all means available.

Q How do you know that this was the intention of the capo?

A Well, we knew that, because we had seen the capos already several times.

Q Had you talked to this capo prior to that time?

A The capos told us after they had spoken with the civilian who had just come back from the meeting, that they had orders to make us work with all means available.

Q And when and where was the second time that, in the presence of Hickhey beatings were given out?

(Weirmatis -
- cross) -130-

wondering if he was going to talk to us. We were looking to see what was going on.

During the same year, a month or month and a half later, in Tunnel "B".

And where in Tunnel "B"?

A It was under the railroad tracks. The cars were being loaded up with torpedoes.

Q At the heights of which hall did this take place?

A Around 40, 42, 43, 38, something like that. Each time I saw Rickhey it was about the same place because that was the most important tunnel.

Q In which respect was this the most important tunnel?

A It was the assembly. It was the inspection of the torpedoes.

Q And on this day and in this place did Rickhey stand there or did he just pass through?

A He went through and he also stood there; he was carrying on an inspection there. He just passed by, we didn't know what to do, we were wondering if he was going to talk to us. We were looking to see what was going on.

Q Did Rickhey carry on a conversation with the people around him?

A With the civilians but never with the prisoners.

Q At that first incident, the one we spoke about before, did he carry on a conversation with the people who were with him?

A I don't remember very well, but in any case he was not alone, he was accompanied.

Q Can you state under your oath how Rickhey was there observing how the other people were being beaten?

A I cannot say that he had come there on purpose to see the people being beaten, but he was present.

Q I believe you misunderstood my question. My question was the following: Can you state, under your oath, that you saw how Rickhey observed how the prisoners were being beaten?

A I can't tell you that exactly, but he saw the thing going on.

(Kassimatis - cross) -1306-

Q You said that on another occasion you saw how Rickhey yelled and requested work?

A Yes, on another day he passed by there were some cars and some people assembled there and he said that we had to work in order to move the cars rapidly.

Q Do I understand you correctly, that Rickhey said to the people that were standing around there, "Unload the railroad cars quickly"?

A No. Move them. To work fast and move them and to get going.

Q What German words did he use?

A "Schnell", "Arbeit" and a few other words which I do not remember. And it could be translated by "fast".

Q Then you only understood part of what he said; is that correct?

A Yes. I understood it was easy to understand his gestures about moving rapidly the cars.

Q You spoke of juvenile prisoners. What was the age of these prisoners?

A They were 12 and 14 years old.

Q Isn't it a fact that there were also some there who were 16 and 18 years old?

A Yes, naturally; but I am speaking about the smallest ones. I can add that in the labor statistics office there were three or four prisoners who were even smaller; they were as small as eight years old.

Q Isn't it a fact that these juvenile prisoners had arrived there with their parents?

A A few of them had come with their parents, but most of them did not have their parents. They had lost their parents and they were not there with them.

Q Didn't these children come with the transports from the east?

A The first people who arrived were in the Jewish Hungarian transport which arrived around the end of the month of May. Another transport

arrived on the 30th or 31st of June, 1945, coming from the east, but from some railroad cars we unloaded, and I personally unloaded, nothing but bodies of children up to ten years old.

Weren't you mistaken with respect to the transport of May 1944, that this transport did not contain Jews, but gypsies?

A It was a transport of Jews. They wore a yellow triangle with a "J". No! Excuse me! With a "J", color yellow.

Isn't it a fact that as far as children were there, they only did duty as messengers?

A Yes, they worked just like the older people. Three or four young ones were messengers at the labor statistics office.

MR. AHLQUIST: No further questions.

QUESTIONS BY DEFENSE COUNSEL

Mr. Vassilatis, what did your work consist of in this transport detail?

A The transport column, as that detail was called, was the detail which did all the unloading of the cars which came in to the tunnel. These cars were loaded with either machinery or material such as spare parts, or bricks or cement. Cement bags.

Did your transport have anything to do with transporting materials for the construction of Camp Dora itself?

A No. That detail was especially for the construction inside the tunnels.

Do you know anything about the transportation of materials from the railroad station to Camp Dora for the construction within the Camp Dora itself?

A Yes, those were other details. They were the surface details. During a certain amount of time those details slept in the tunnels because the camp was not built yet.

Q Did you observe during your time at Dora the method by which the barracks were constructed?

A We did not go to the tunnels until the day when the first barracks were assembled.

Q Barracks continued to be assembled during the time that you remained in camp; is that so?

A Until the last month of our evacuation.

Q It is a fact, is it not, that these barracks were in prefabricated sections?

A Yes. They arrived in panels.

Q And these panels were transported from the railroad station to the building site on trucks or horse carts; is that right?

A No, they were carried by the hands of the special details for the transportation of material.

Q You identified the accused Valenta; isn't it a fact that everything you have said about Valenta came to you only through hearsay?

A Yes.

Q Did you know the prisoner Ackerman in the dispensary at Camp Dora?

A I had known him but I had no relations with him.

Q And isn't it a fact that the information you have given the court about Kaischein was a rumor which was started in the dispensary at Dora?

A No, it was not a rumor. It was a fact.

Q You saw it happen; is that it?

A No, but it was seen by people whose interest was to find out what was going on inside the camp in order to know what was going to be our fate and what opposition was.

Q Who were these people who saw this fact? Names, please.

A Firstly, Mr. Cesariva. And a few medics of the dispensary whose names I do not remember, except maybe for one of them, a Dutchman. I

think his name was George [illegible]ers. I do not know how it is spelled. I remember vaguely that name. I have not seen him since the liberation of Bergen-Belsen.

Q Now it is your understanding, is it not that these witnesses whom you have mentioned were eye witness of the actions of Maischein, is that right?

A Yes.

Q And it is because of your believe that they were eye witnesses to this that you in turn give credence to the stories about Maischein, is that it?

A Yes, I believe it absolutely because they were, they had gathered some other information and that other information was right.

Q Now, Mr. Kassimatis, Doctor Cospiva has testified in this court that he was not an eye witness to anything Maischein did in the crematory. What have you to say about that?

PROSECUTION: I object.

DEFENSE COUNSEL: On what grounds please?

PROSECUTION: The witness is called upon to characterise the testimony of another witness whose words he didn't hear. He is being asked to characterize somebody elses testimony which he didn't hear.

DEFENSE COUNSEL: I am not asking the witness to characterise the testimony of another witness. I am merely stating what the other witness has said in court which is apparently different to what this witness has testified to and I am asking him to characterize the difference.

PRESIDENT: The objection is sustained and further it is the opinion of the court that the witness Cospiva stated that he did see this.

DEFENSE COUNSEL: Well, if it please the court, we could go into the record of course and determine exactly what Doctor Cospiva testified to. It iwas my understanding that he was not an actual eye witness to any of these cremations or any of these burnings. However since there is an apparent difference of opinion as to what was said I don't want to go into the record at this time. I withdraw the question.

QUESTIONS BY DEFENSE COUNSEL:

Q Now Mr. Kassimatis you stated that after the construction of

the new kitchen in April of 1944 the food was better. Will you please tell the court in what way the food was better?

A The manner in which it was distributed was better. During the time that the outside kitchens were not built we received soup after five or six hours of work. After the construction the distribution was more regular but the quantity and the quality was still the same.

Q It is a fact, is it not, that after April of 1944 the workers in the tunnels received a heavy workers ration, isn't that so?

A No.

Q At no time during your work in the tunnels did the workers in the tunnels receive an official additional heavy workers ration?

A Never. Only two or three times did we receive instead of one bread for four we received one bread for three.

Q There has been testimony before this court that the workers in the tunnels after the spring of 1944 received a heavy workers ration as an additional ration. How do you explain this conflict in testimony?

PROSECUTION: I think in asking a question of that kind the question should contain what was supposed to constitute this additional heavy workers ration so there can't be any misunderstanding as to the terminology here. I agree that there was testimony that there were certain additional rations given. One witness I remember said it consisted of 25 grams of margarine once or twice a week and 25 to 50 grams of sausage two or three times a week maybe. I think he ought to ask if it isn't true that the people in the camp received certain specified items in addition rather than the use of generalities.

DEFENSE COUNSEL: If it please the court, I was hoping to avoid a lot of repetition as to exactly what the basic ration consisted of.

PROSECUTION: I will withdraw the objection for the sake of expeditiousness.

DEFENSE COUNSEL: I will reword my question so as to make it more clear without repeating testimony.

Now Mr. Kassimatis, if I understand your testimony correctly it is that at no time after May of 1944 were your rations increased in any way, is that right? That on the contrary the rations were decreased?

A Yes. The rations were always the same. They were distributed more regularly, only with the difference that 3 or 4 times instead of receiving one bread for four persons we received one bread for three persons.

Q Now there has been testimony before this court that after the spring of 1944 the prisoners who were working in the tunnels did receive an additional heavy workers ration. My question to you now is how do you reconcile your testimony with the other testimony that has been given before this court?

LT. JONES: It is immaterial what another witness said. The question is what did you say or what did this witness say that he received. It is incompetent to bring in what someone else said to impeach him. He can't be impeached with what somebody else says.

PRESIDENT: Please read that question.

DEFENSE COUNSEL: I will withdraw the question.

QUESTIONS BY DEFENSE COUNSEL:

Q Now isn't it a fact that civilians were not permitted to speak with prisoners or even to capos who were working in the tunnel?

A The civilians were friendly with the capos and the foremen but not with the prisoners.

Q Please tell the court the channels or the methods by which the directions of the civilian company that was constructing these V-2 weapons were transmitted and finally got down to the prisoners that were doing work, if you know?

A The prisoners only received the orders from the capos and the food from the block leader.

Q Who did the capos get the instructions from?

A From the block leaders, from the detail leaders, from the Labor Statistics Office and from the camp eldest.

Q These detail leaders in the tunnel were SS men were they not?

A Yes.

PRESIDENT: The court will recess for 15 minutes.

(Thereupon at 1445 hours the court recessed.)

(Thereupon at 1500 hours the court reconvened.)

PRESIDENT: The court will come to order.

LT. JONES: Let the record show that all members of the court are present except Colonel Benson; the prosecution and defense are represented by counsel; all the accused are present with the exception of Drinkmann and Kilian; the court reporter and the court interpreters are present.

At the close of the last session Mr. Kassimatis was being cross examined.

PRESIDENT: The witness is reminded that he is still under oath.

PIERRO S KASSIMATIS, called as a witness by the prosecution, being reminded that he was still under oath, resumed the stand and testified further through a French and German interpreter as follows:

CROSS EXAMINATION, continued

QUESTIONS BY DEFENSE COUNSEL:

Q Mr. Kassimatis, before the close of the last session I was questioning you about the activities of the accused Maischein and you stated that the reason you believe the testimony which your comrades had given you about Maischein was because it was your understanding that they were eye witnesses of these facts. Do you recall that?

A Yes.

Q Now I should like to read to you the testimony of Doctor Cospiva whom you said was one of these prisoners who was supposed to have been an eye witness of these burnings.

A Yes, but I did not come here to testify about what other people told me or what about what other people saw but about what I saw myself and about things about which I can certify about on my conscience.

Q Well do you wish, then, to withdraw your testimony about Maischein?

A I don't want to withdraw it and cannot certify what Doctor Gespiva said or did not say.

Q Well if you will please wait until I finish posing my question to you then you can answer it to the best of your ability. I am now reading from page 789 of the record in which the prosecution asked you the following question:

> "Q You previously recognized the accused Maischein. What can you tell the court about Maischein?
>
> A But one thing was very interesting about this medical orderly--that he was always called either by Detmers or by Sanders for secret burnings. In the summer of 1944 I was in the crematorium, in the small crematorium down below in the camp. I controlled late at night the death certificates with the capo. Maischein came along together with another block leader and threw us out. I went to lock 15 and then to the delousing station and, out of curiosity, I went from the camp street, around the back, to the crematorium. I saw a cart, or a wagon, with four wheels full of dead bodies in civilian clothes. Two of these had light working clothes, or light working combinations. The capo Fox had to return from the crematorium because they didn't know how to work the oil opening--the little point that goes into the oil. They didn't know how to work that. He had to set that for them and had to disappear again. Then 6 or 7 men were burned secretly. The next morning I reported this to Dr. Kahr and I wanted to know if I should count these people in at the roll call as prisoners, and he said that he would inquire about this. My clerk, Polak, I sent to the gate and there he learned that these people had arrived in the bunker alive; there they were liquidated; there was no shooting in the bunker; and then during the night they were burned; and about these things the capo Fox told me that this was a flier's combination. Dr. Kahr told me, "Hands off from this matter. You don't know anything, and I don't want to know anything either." That was all that I heard about this matter."

Then in cross examination on page 868 of the record, question by Dr. Aheimer:

> "Q How many such burnings at which Maischein was supposed to be present do you know?

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A Of two.

Q You spoke of one at which occasion Maischein threw you out of the crematory?

A Yes.

Q Do you know whether on this day any burning had taken place?

A Yes.

Q When was it?

A In the year of 194 at the time when the small crematory worked down below in the camp.

Then on Page 862---

PROSECUTION: I would like to know if this is the foundation for questioning. If it is, I am objecting to it now. No witness could possibly be expected to remember all of that as the basis for a question.

PRESIDENT: The defense is questioning, he will complete the question.

DEFENSE COUNSEL: "Question:"(At page 862, And you personally, as you have stated, saw Maischein twice in the crematory?
Answer: Once I saw him and the second time heard about him.'

"Question: When was the second time"
"Answer; That was in the year 1944, before I was arrested. The period of time from the 11th of February until the beginning of November."

Now from this testimony, Mr. Kasimatis, it appears that Mr. Cespiva was not personally present at any burnings conducted by Maischein. In view of this testimony by Mr. Cespiva, do you wish to change your testimony about Maischein

PROSECUTION: I pray the court's judgment.

PRESIDENT: The objection is sustained; the witness will not answer the question. Does the defense waive the translation of that record entirely, to the accused?

DEFENSE COUNSEL: Yes, the defense will waive the translation to the accused. You saw some hanging in the quarry in the tunnel, is that right?

A The quarry is on the outside, between the crematory and the dispensary.

Will you tell the court how these tunnels in which the machines were operated for the manufacture of V-weapons, or the assembly of V-weapons, were constructed? What was the construction of the tunnel itself?

PROSECUTION: I pray the court's judgment, it is completely outside the province of the direct examination.

PRESIDENT: The objection is overruled.

In those tunnels in which the machines were, where the V-weapons were made?

A Until the month of May, when I left the tunnel to go to the dispensary, the construction of the tunnel was not finished yet.

Before you go any further I think you have misunderstood my question. What I want to know is what was the floor made of?

A With stones.

Q Now how about the sides of the tunnel, what were they made of?

A With stone. Marble stones.

Q Were the sides buttressed with girders or rafters of any kind?

A In certain halls, in order to install machinery or some rolling cranes, they cemented a little bit.

Q Now was the ceiling a smooth sawed-stone ceiling?

A Out of stone it was made, with the machinery which miners use.

Q Were there girders or rafters in the ceiling?

A Not everywhere.

Q Where did they have girders?

A In Hall 36 and some other halls, but I do not remember them.

Q These rafters in the halls that did have rafters, were they flush against the ceiling or was there space between the rafters and the ceiling?

A I don't see what you are calling rafters.

Q Well, were there any iron beams or wooden beams, large pieces of wood or iron, to hold the ceiling up?

A No. In certain halls the ceiling stayed the way it was, up in the air. The terrain was made out of stone, not out of sand.

Q Was that true in all the halls or did some of the halls have rafters and beams?

A In certain halls they made an installation at the ceiling to place some material, some machines.

Q Now you testified about the accused Jacobi, that you saw him beating a man and then ordered him taken to the crematory. Do you recall that?

A Yes.

Q Where and when did this take place?

A It was near the dispensary, during the transport of some material for the construction of the barracks.

Q What month did it happen?

A About the month of June.

Q 1944?

A Yes.

Q You stated that a transport of Hungarian Jews came into the camp and were set to work at carrying these panels. I believe you stated there were 15000; is that correct?

A No, I said they were approximately the number 55,000.

Q By that you mean it was a serial number?

A Their serial number. I say that in order to make you understand about what time that was.

Q You testified that you personally had never seen Buehring beat anyone; is that correct?

A I never saw him personally, but I heard that he beat in the jails.

Q You testified that you saw several hangings, did you not, including a mass hanging in the rollcall square?

A Yes.

Q Did you see Buehring? Was he present at these hangings?

A Yes. I even saw him accompany some prisoners when they came from the jail and when they advanced one by one on the execution place.

Q But you never saw him beat anyone, did you?

A No.

Q You testified that the accused Brinkmann made you stand on the rollcall square for six hours on Easter day. Do you recall that?

A Yes.

Q Was that Easter Day, 1944?

A Yes.

Q And from what hour to what hour, approximately, did these six hours run?

A From noon until six o'clock in the evening.

Q Did you have a rollcall at noon?

A Every Sunday we had rollcall at noon and afterwards it changed, it was at two o'clock.

Q What did you have to do when you were standing at this rollcall on this day?

A We stayed in ranks at attention and afterwards we did some exercises.

Q Was that more or less usual at rollcall?

A Very often.

Q Did anything unusual happen while you were standing there at this rollcall square during this six hours?

A No, we were called because perhaps some detail was not properly assembled.

Q You didn't see the hangings that occurred there that afternoon, is that right?

A Yes. Two hangings.

Q You don't call that anything unusual?

A Not during six hours, because the hangings lasted ten minutes.

Q You testified you saw the accused Braun and when you identified him you said that he was a rollcall leader. At a later time I believe you testified that he was a detail leader in the tunnel. Is that correct, or was he both?

(Kassimatis - cross)

A Brauny was rollcall leader and detail leader.

Q At the same time?

A Yes, because at that time the camp was not built yet and everything was done in the tunnels and every fifteen days on Sunday we were taken out of the tunnel and a rollcall took place which we called the general rollcall;and at the same time he was leader of the detail in the tunnel.

Q Now isn't it a fact that the capos in the details could receive orders only from the SS and were not permitted to receive orders from the civilian supervisors?

A The capos received their orders from the civilians, because the civilians determined the work of the details. Every time the details had to perform some job they were assembled at the spot where they were supposed to work and they gave the report on a piece of paper to the civilians and they received their orders from the civilians.

Q What was the SS detail leader supposed to do, then?

A The SS detail leader was there for watching over the detail and he commanded several details, but some details were led by only one SS, such as the construction detail.

Q It is your testimony, then, that the civilians were permitted to and did give orders directly to the capos; is that correct?

A Yes.

Q Now you testified that you saw the accused Helbig in the clothing supply room and that he beat you with a rubber hose; is that correct?

A Yes.

Q And you made the statement that at a later time you were able to get your shoes exchanged due to your capo, of your detail?

A Yes.

Q And this occurred in September of 1944, you said?

A Approximately.

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Q Was there snow on the ground at that time?

A No.

Q Was it winter or fall?

A It was autumn, but the weather was warm and the first rains had started.

Isn't it a fact that the accused Melbig did not come to Nora until December of 1944?

A No, I know him before that.

Q You wish your testimony, then, to remain that Melbig was in charge of the clothing supply store at Nora and beat you approximately in September of 1944; is that right?

A Yes.

Q You are certain about that?

A Certainly I was beaten. I maybe made a mistake of a few days or a month, but I am certain that I was beaten by him.

Q Are you just as certain about all the other testimony you have given in this court today?

A Yes.

Q Now this hanging of these two Russians that you saw by this SS man, in the tunnels, what tunnel did that occur in?

A In the hall of Tunnel 31 or 33.

Q Just describe this hanging to us, please. How was it done?

A The two Russians were working on their machine. I do not know what they were doing, they had a spoon. That was seen by the capo and by the civilians.

Q Please describe the hanging itself, how was it accomplished?

A In the hall itself with a wire by an SS who had been called over by a civilian.

Q Please describe to the court how this SS man hung these two Russians.

A He got up on the machine. Over themachine there was a rafter. He rolled the wire around that rafter and then he lifted the Russians up in the air.

(Assemmatis - cross)

Q [illegible]

A It was just a [illegible] cross piece made out of iron.

Q And that was the crosspiece of iron, was it?

A On one side of the chimney there were several crosspieces, either to take up ventilation or to provide a chimney.

Q And this one of the cells in which there were crosspieces on the ceiling, then, is that it?

A No, it wasn't on the ceiling [illegible] In the cellar was approximately 12 meters high, and the crosspieces were at a height of four or five meters.

Q Did he hang one man first and then the other?

A One by one--one afterwards.

Q How long did the first man hang?

A For 10 minutes.

Q And what was the other man doing during this time?

A He watched the go.

Q He made no attempt to escape or run, is that right?

A And then and the civilian called to him, the first one, and then the SS hung the second one.

Q What was the second man doing? By question was, did the second man try to escape or did he just stand quietly while the first man was being hung?

Naturally, he was not quiet, but it was impossible to escape--there would no go?

Q Well, did someone help him physically to where he was, or was he just standing there?

A The [illegible] was holding him here (indicating) and the man did not have the courage or the will to flee. I would like to say something else about the hanging.

(Kuestmatis-Cross)

Q Well, let's finish with this first, and then you can tell us about other hangings. Now, what were you doing all this time, just standing there watching all this?

A We did not go near. We circulated around there. We looked, we watched.

Q How did the SS man hold one man while he was hanging the other?

A The SS was capable of holding down 10,000 men the way we were locked up in the tunnel.

Q How did this particular SS man hold one of the prisoners while the other one was being hanged?

A Both prisoners as soon as the SS arrived did not move at all. They brought a wire and during that time the two fellows remained quiet.

PRESIDENT: Just a minute. Wasn't that word "immobile" meaning "motionless"?

INTERPRETER: That is right, sir.

QUESTIONS BY DEFENSE COUNSEL:

Q Did you not just say the SS held one of the prisoners while the capo and the civilian hanged the other?

A The SS kept simply one, and the other one did not try to move. (indicating).

PRESIDENT: The first time also he indicated by putting his hand somewhere on his chest?

INTERPRETER: Yes, that is correct, he did. Indicate that— the record may so show.

QUESTIONS BY DEFENSE COUNSEL:

Q Well, in other words, it was the civilian and the capo who hung the first man, is that right?

A The SS hanged him, but the capo and the civilian helped him.

Q Now, you used a decent way to keep the cold away, did you not?

A Yes.

(Continued on next page)

Q You were not hanged for sabotage, were you?

A The paper bag was not considered to be sabotage, it was considered to be like a blanket or rag.

Q Now, you testified that you saw the accused, Ahnemer, give mercy shots to the prisoners who were hanged. Do you recall that?

A Yes.

Q You testified that those people were already dead?

A Yes.

Q They didn't move then, did they?

A No, they did not move, but he fired because of sadism.

Q Now, you recall that when you identified the accused Rickhey, wearing Number 14, do you not?

A Yes.

Q On cross examination earlier today Doctor Ahnemer asked you whether or not you had said at that time that you had never heard Rickhey's name before coming to Dachau?

A No, I didn't say that.

Q I believe my question was not properly translated. On cross examination by Dr. Ahnemer you denied having said that you had never heard Rickhey's name before coming to Dachau?

A That is the only name I remember, Sawatzki or Rickhey, but I just didn't know if it was "Rickney" or "Rickhey".

Q Well, now, had you heard the name of Rickhey in Dora or at any time before you came to Dachau?

PROSECUTION: I agree it should all be a perfectly proper question, but how many people are going to cross examine on the same subject? May it please the court, there ought to be some system whereby one lawyer cross examines on one point, the matter reigns.

DEFENSE COUNSEL: If it please the court, I would like to make a statement for the record on this point because it has come up several times.

Q You were not manged for sabotage, were you?

A The paper bag was not considered to be sabotage, it was considered to be like a blanket or rag.

Q Now, you testified that you saw the accused, Ahesr, give mercy shots to the prisoners who were manged. Do you recall that?

A Yes.

Q You testified that those people were already dead?

A Yes.

Q They didn't move then, did they?

A No, they did not move, but he fired because of sadism.

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A Yes.

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A No, I didn't say that.

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A That is the only name I remember, Sasatski or Rickhey, but I just didn't know if it was "Rickney" or "Rickhay".

Q Well, now, had you heard the name of Rickhey in Dora or at any time before you came to Dachau?

PROSECUTION: I agree it should all be a perfectly proper question, but how many people are going to cross examine on the same subject? May it please the court, there ought to be some system whereby one lawyer cross examines on one point, the matter reigns.

DEFENSE COUNSEL: If it please the court, I would like to make a statement for the record on this point because it has come up several times.

It has been my policy, and it has been approved by the administration that the accused who are defended by German lawyers, I will attempt to refrain from cross examining on testimony pertaining to these people. However, the primary responsibility for the defense of all these people is mine, and wherever in my opinion a point has not been sufficiently or properly covered by German counsel, it will be my policy to try to cover that point as thoroughly as in my opinion may be needed.

QUESTIONS BY DEFENSE COUNSEL:

Q Mr. Kassimatis, when you identified the accused, number [illegible]

PROSECUTION: I haven't heard the judgment of the court on my objection.

PRESIDENT: The court told the defense to proceed.

QUESTIONS BY DEFENSE COUNSEL:

Q Mr. Kassimatis, when you identified the accused, Rickhey, did you or did you not say that you had never heard his name before coming to Dachau?

A The name of Rickhey was present in my mind all the time.

DEFENSE COUNSEL: Just a minute. If it please the court, I am going to request the court to instruct the witness to give a "Yes" or "No" answer to that question.

PRESIDENT: The witness will answer the question "Yes" or "No". Do you wish him to repeat it?

PROSECUTION: If he can, there may be circumstances where you can't give a "Yes" or "No" answer. I pray the judgment by the court.

DEFENSE COUNSEL: He can say "Yes" or "No" if he did say something.

PRESIDENT: Will you please read the question?

(Thereupon the court reporter read the last question, "Mr. Kassimatis, when you identified the accused, Rickhey, did you or did you not say that you had never heard his name before coming to Dachau?")

THE WITNESS: I never said that I didn't know him.

Tk 1328-(mos-hc rou-au ver-mb/c/47-b

(Direct Examination by Defense Counsel:

Q I am going to ask you the question again, Mr. Kassimatis. When you identified the accused, Rickhey, did you say you had never heard his name before coming to Dachau? Please answer that question "Yes" or "No".

A No.

Q Mr. Kassimatis, I am going to read you a copy of the record of what you said at that time.

PROSECUTION: I am going to object still more, may it please the court, and I am going to go on record now that I intend to see the opinion of higher authority as to how many lawyers are going to cross examine on one point during one case. These accused have got to take their crimes in their lawyers if they want to be defended by German lawyers, let them be so defended, but they can't be defended and have their cross examination conducted by more than one lawyer on the same point. I now say that as a matter of record because I, of course, recognize the court's ruling to be binding at this time.

QUESTIONS BY DEFENSE COUNSEL:

Q Mr. Kassimatis, I now want to read you the record of what you stated, and I am reading from page 1270 of the record, yesterday when you identified the accused, Rickhey. Question by the prosecution:

"Q. Well, the court would like it better and so would I if you went a little closer.

A I know the first one.

Q What is his name?

A I never know his name. I knew that he was the general manager of the factory. Here I learned that his name was Rickhey."

We will waive the German reading, if it please the court. Now, Mr. Kassimatis, in view of your prior testimony, do you wish to change your testimony about your identification of Rickhey at this time?

A I can explain it in the following manner. That is not the exact name I knew him with. I knew him under the name of "Rickhay" I don't know

her it as spelled, but I heard it that way. Well, I remember--when I saw his photograph I read his name "Rickhey". It is for that reason that I say that I doesn't mean that name.

Q Is it not a fact, Mr. Kavsiratis, that you did not know the names of any of these accused until you came to Dachau?

A Yes, I knew a few names, but I didn't remember them very well.

Q During your identification of the accused yesterday, did you not state that you did not know any of their names and had only learned their names upon coming to Dachau? And please answer that question "Yes" or "No".

A A few names I knew, for instance, "Valenta", I knew very well and "Jacobi", but the others I didn't know.

DEFENSE COUNSEL: May I respectfully request the court to instruct the witness to answer that question "Yes" or "No". My question, if it please the court, is whether he said it or whether he didn't say it.

PROSECUTION: May it please the court, if this thing is coming down to the question of record, I am going to ask that all of his statements regarding the question of identification be read because I distinctly recall that in one or perhaps two or three instances he stated that he learned the correct name, but in other instances he didn't so state, but if we are going to the record, I want the whole record read.

PRESIDENT: It appears to the court that the question put is difficult to answer "Yes" or "No", and the court will not instruct the witness accordingly.

DEFENSE COUNSEL: Very well, then.

QUESTION BY DEFENSE COUNSEL:

Q Will you please answer my question to the best of your ability? Did you yesterday when identifying the accused make this statement, "I recognize the eighth one. He was at the supply room. I learned all their names here because over there it was impossible to find out their names. We marked some things on pieces of paper but once week they would disappear."

Did you, or did you not say that?

Defense Counsel: We will waive German translation.

Judge: I don't agree with the defense. In the way this thing is developing now I think the accused are entitled to have this in German now even though they have once heard it.

Defense Counsel: That is correct.

(Whereupon the last question was translated into the German language by the interpreter.)

Defense Counsel: No further questions.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q Irrespective of the fact whether you remember their names or not, is there any doubt in your mind that the men you identified you saw in Dora are here while you were a prisoner there?

A Yes.

PROSECUTION: That doesn't sound right, I will rephrase my question.

Q Irrespective of the fact that you remember or forgot their names, are you certain that those men whom you identified you saw in Dora while you were a prisoner there are here

A Yes.

Q Irrespective of the question of names, are you certain that the things you said about the men you identified, that the things you said they did, and the things you said you saw them--are you certain that these statements are correct?

A Yes.

Q Now, just one last question. Do you know whether or not there was clothing in the prisoners' clothing supply room available for distribution at a time when distribution was refused to prisoners?

A Yes.

(Examination cross) (Examination-redirect.)

Q How do you know?

A Because we went there several times to change our clothing.

Q Toward the end of the war, did you have occasion, or were you in a position to see what supply of clothing there was in the prisoners' supply room?

A The day of the evacuation they opened the doors and the windows and they threw everything outside--there was a great quantity of clothing.

Q What kind of clothing?

A There were even some brand new socks packed by the dozen.

RECROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q Now, irrespective of your memory about names, are you just as certain about the facts which you have testified with regard to all these accused as you are about the fact that the accused Haibig beat you in the clothing supply store in September or in the neighborhood of September of 1944?

A I am a hundred percent sure that I was beaten by him. I may have made a mistake about the date--those are things which took place four years ago, three years ago.

Q And might you have made a few other mistakes as to some of the facts you testified to?

A No.

Q You are certain that you haven't made one single mistake in all your testimony, is that correct?

A No.

Q Now, isn't it a fact that during your stay here in Dachau and before you testified in this case you had numerous occasions to follow these accused out in the courtyard during their recess time, and you had numerous occasions to see them and recognize them?

A No. Eighteen months of stay in a camp was sufficient in order to know the accused very well.

Q You have not come into the courtroom during recess time and looked at the accused?

A No.

Q You have not observed the accused in this courtyard when they were taking their recess, is that right?

A It was natural that I looked at them while passing by, but it was not necessary for me to observe them because I know them very well.

Q Have you not looked in the door of this courtroom and observed the accused on numerous occasions and seen their numbers during the recess time?

A Never.

DEFENSE COUNSEL: No further questions.

PROSECUTION: May I request that this witness be permanently excused, his home is so far? He has been here quite a while.

PRESIDENT: I wish to say for the record that there were no questions from the court.

DEFENSE COUNSEL: If it please the court, I have no objections, but I intend to put on impeachment witnesses to show that this witness definitely perjured himself on the stand with these last few answers. I am going to be one of the witnesses myself.

PRESIDENT: Do you object to the permanently excusing of this witness?

DEFENSE COUNSEL: No, I am not going to object; I am just announcing those intentions in the case the prosecution would be concerned.

PROSECUTION: I have not the slightest concern for those inventions.

PRESIDENT: Since the prosecution and the defense have consented, the witness may be permanently excused.

(Witness on the witness was duly sworn and withdrew.)

(Recess until 1330 hours)

Tr 1st-Gas-Nordhausen-b/4/47-10

PROSECUTION: Sir, I have another witness but between now and the time for the normal recessing I couldn't get through with him. It was my intention, may it please the court, to suggest a recess with the end of today's session, for the court to reconvene Monday morning at the usual time, and because of the lateness of the hour, I was going to suggest that that recess take effect now. The case is advancing much more rapidly in recent weeks than I anticipated despite the multiplicity of cross examination to which I object, but I could use some time to catch up, and in view of that situation, I move for a recess from now until Monday.

PRESIDENT: The court will recess until 9 o'clock Monday morning.

(Thereupon at 1650 hours the court adjourned until 0900 hours, Monday, 8 September 1947.)

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PRESIDENT: The court will recess until 9 o'clock Monday morning.

(Thereupon at 1630 hours the court adjourned until 0900 hours, Monday, 8 September 1947.)

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MILITARY GOVERNMENT COURT

VOLUME 20

CASE RECORD

Pgs 1334 - 1386

CASE NO. 000-50-37

PROSECUTOR Lt. Col. H. Borman

*SUMMARY
INTERMEDIATE MILITARY COURT
GENERAL

DEFENSE COUNSEL Major L. Foulleda
Stefan Asoldos

INTERPRETERS Nelly Singer
Roland Carroll

PLACE Dachau, Germany

REPORTERS Peter L. DiCurtis
Doris L. Spears
Ethel D. Holt
Eunice L. Nasdorff

DATE 8 September 1947

WITNESSES

46 Defendants

ALFRED BACH

ACCUSED

ADDRESS SEX AGE

FIRST CHARGE SECOND CHARGE

PLEAS

FINDINGS

PREVIOUS CONVICTIONS

IMPRISONMENT (TERM
(
(BEGINNING 194

SENTENCE

FINE AMOUNT
TO BE PAID BEFORE 194
FURTHER TERM OF IMPRISONMENT

CHARGE SHEET AND ACCOUNT OF TESTIMONY ARE ANNEXED HERETO.

SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY

SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

RECORD OF TESTIMONY

in trial of

THE UNITED STATES versus ARTHUR KUHN AND [illegible] et al

by

GENERAL MILITARY GOVERNMENT COURT

tried at

CASE DACHAU, GERMANY BEGINNING 7 AUGUST 1947

8 September 1947 Pages 1334 - 1869

TESTIMONY

WITNESSES	Direct	Cross	Redirect	Recross	Court
MICHAEL STERN	1338	1349	1372		
ABRAHAM BLUCH	1372	1385			

No.	Description	Marked	Rec'd in Evidence
P-36	Statement of Josef Kilian (English)	1361	1361
P-36A	Statement of Josef Kilian (German)	1361	1361
P-37	Statement of Willi Gwismer (English)	1362	1362
P-37A	Statement of Willi Gwismer (German)	1362	1362

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8 Sep 47 - 1

Camp Dachau, Germany

8 September 1947.

MORNING SESSION

(Whereupon the court reconvened at 0940 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present, all of the accused are present, prosecution and defense are represented by counsel, the reporter and interpreter are present.

The report of the psychiatric examination of the accused Kilian and Brinkmann has been prepared and is now in the possession of the defense.

DEFENSE COUNSEL: If the court please, the report of the psychiatric examination of the accused Josef Kilian and Otto Georg Werner Brinkmann is now ready for consideration by this court. At this time we would like permission of the court to read these reports into the record, with the understanding, however, on the part of the defense that at the end of the reading of these reports the defense desires to make a motion for a change of plea for these two accused from "not guilty" to "not guilty, and not guilty by reason of insanity," in order to permit the defense at a later time, at the opening of its case, to introduce any further evidence of insanity of these accused at the time the acts were committed as the defense may be able to gather at that time.

If the court please, I should like to withdraw the motion that I have just made and just request permission of the court at this time to read the psychiatric reports for the record.

PROSECUTION: I would like to ascertain for the prosecution, may it please the court, whether in reading these psychiatric reports into the record the defense accepts these written reports and waives its right, any right it may have, to have the psychiatrist appear in person and testify.

DEFENSE COUNSEL: In reading these reports the defense waives any right it might have for the personal appearance of this psychiatrist in court.

PRESIDENT: The one who wrote that report?

DEFENSE COUNSEL: Yes.

PRESIDENT: The request of the defense to withdraw the motion just made and to read the report of the psychiatrist at this time is granted.

DEFENSE COUNSEL: The defense also wishes to waive German translation of these documents at this time.

PRESIDENT: Permission is granted.

(Whereupon the defense counsel read the psychiatric reports referred to as follows:

"NEUROPSYCHIATRIC SECTION
98TH GENERAL HOSPITAL
APO 407 US ARMY

6 September, 1947

Subject: Psychiatric examination of Otto Georg Werner BRINKMAN

To : Whom it may concern.

"This prisoner, Otto Georg Werner BRINKMAN, was seen for psychiatric examination at the 98th General Hospital. He stated he was 37, white, married. The interview was carried out with an interpreter who spoke German and good rapport was established.

"The prisoner stated he was born 5 July, 1910, at Osnabruck. As far as he can recall birth was normal. As a child he had no neurotic traits such as phobias, night ares, enuresis. He started school at the age of 7, finishing at 14. He went 2 years to trade school, studying book-binding. During school he obtained good marks and did not have to repeat any grades. He was not a behavior problem and had no unusual amount of fights.

"His father died in 1945 (Dec) at the age of 69, from 'heart weakness.' The family had been evacuated East and the Russians had driven them back to their home again. He died 2 days later. His mother is living, 62, tho not in the best health, due to present living conditions, he feels. There were 2 other brothers (36, 38) and no sisters. The family lived in Osnabruck and home life was satisfactory. His father rarely punished him and, altho he was brought up strictly, never did he complain of unreasonable discipline.

"After finishing school in 1925, he worked as an apprentice to a book-binder until 1929 in Osnabruck. He then studied and worked as a helper for 1/2 year until he was discharged because of lack of work. His older brother then opened a book-printing shop and he worked for him from 1930 until beginning of 1938. The brother at that time closed his shop because of lack of materials and was hired by the local government of Osnabruck as a draftsman.

"The patient stated he married Dec '39; his wife is now 27, and there are 2 girls (4, 6). The family lives in Hamburg. He denies any homosexual interests or practices or other forms of perversion. State-

cents relative to his favorables of homosexuals in camp are denied completely by him and he states he can furnish proof that he had acted to stamp them out and to segregate younger men who might be influenced by older prisoners.

"He seldom has been drunk, save on festive occasions. Habits, as smoking, drinking, have been moderate.

"In August 1934 he volunteered and was assigned to the SS Death-head Regiment, Esterwegen as a private. He took basic training for 3 months and did guard duty over inmates of the concentration camp in that location. In 1936 the regiment was transferred to Oranienburg, near Berlin. Middle of 1938 he was sent to Buchenwald where he stayed until 1941. He was rated as F/Sgt, 1945. He stayed with his regiment until 1939, when he was assigned to the concentration camp. He became a block leader and then a roll call leader. October-41 to June '44, he was assigned to Neuengamme, near Hamburg, to another concentration camp and also as a roll call leader. January, '44 he then was sent to Camp Dora (Mittelbau) where he stayed until September, '44. He was taken prisoner by the Americans, 13 May, 1945. The patient stated he saw no combat and obtained no awards. He several times asked for duty in combat but request was refused because he was working with the 'secret workers' on V-2 bombs at Dora.

"Mental examination reveals an individual of normal intelligence who responds readily to questions with detailed answers as to place, time, person and circumstances. This man is sane and able to differentiate between right and wrong. He can adhere to the right, understand the nature of proceedings, aid in preparation of his defence. He must be considered as fully responsible for actions committed. He has rational explanations for main charges and no material could be found relative to an abnormal sexual drive or interest.

"Signed, H Bennett, Capt, AC, Chief NP Section."

Now, the report as to the accused Miller. I will skip the head-

in , if the court please.

"Josef [illegible], white, 37, single was interviewed at the 98th General hospital preliminary to trial investigation for the determination of his sanity. The examination was done through an interpreter and good rapport was established.

"The patient stated he has not been home for 10 years and has received no correspondence from parents since 1940. He has no recent information as to his parents' health. He is the 3rd of 3 siblings, the other 2 being girls. His father was a dealer in grain and also owned a 'showstand' (carousel). When the patient was 10, his father left home, for some obscure reason. The children were brought up by their mother until their father returned 10 years later. His mother, he stated, was always good to the children and did not give them many beatings.

"Birth was normal. He recalls no childhood fears or other neurotic traits, save nail-biting. He started school at 8, finishing at 16. Grades were low average with his flunking 1 grade. There were no fights or behavior problems.

"After leaving school, the patient stated he worked with a carnival for 2½ years and then travelled as a representative of a typewriter

firm (Adler) thru Germany, Switzerland for 1½ years. He then was a tie salesman for 4 months before working for a textile firm in Leipzig selling linens to hotels, which he did for 6 months. He then worked for Persil soap-flake factory, advertising films for one season. Travelling continued until '36-'37. In July '36 he was arrested in Munich for listening to a foreign broadcast and for gambling.

"He was first imprisoned by the political Department for 4 months and then sent to Camp 27, Osterwege, a labor camp, where he worked as a laborer for 14 months. He was struck on the back with an ax by a civilian worker while loking potatoes, because of a suspicion of sabotage. He struck the worker back and for this was sent to Appenburg, where he was sentenced for 2 years in a concentration camp, Mauthausen, Austria. In '40 he was sent to Steyr Factory, near Linz, to work as a lath-worker for 9 months. Because of an infected hand he was hospitalized at Mauthausen until 1941. He was then sent to Sierna Neustadt, a branch-camp of Mauthausen for 6 months and then sent to Buchenwald ('42-'43). From there he went to Dora (Spring '44) and then spent the last 3 weeks before the Liberation at Belsen. At Buchenwald he was a laborer. At Dora he worked in the Tunnel on V-2 bombs, and then in the car repair shop. He was then assigned to a bunker as orderly. A camp elder refused the job of hangman and another camp elder was elected. He was released after some misdeed. The patient stated he was then called by the roll call leader who showed him his file about his sentence and he was then told to take over the job of hangman. He at first refused and then accepted.

"The patient stated that he has never been married, had his first intercourse at age of 18. In '32-'34 he was treated for syphilis, having a positive serology. There is no history of homosexual experiences or other sexual perversions.

"He is a slight drinker and a moderate smoker. He admitted to no addictions or drug-taking. There have been only a few friends, as he has spent most of his time travelling, previous to his imprisonment.

"Mental examination reveals this individual has a dull normal intelligence. He is sane and able to differentiate between the right and wrong, to adhere to the right, to understand the nature of proceedings and to aid in preparation and conduct of his defense.

"Signed, IP Bennett, Captain, Medical Corps, Chief NP Section."

PROSECUTION: Can these two reports be received into evidence and made a part of the record, or has that already been done?

DEFENSE COUNSEL: My motion was just being permitted to read them into the record.

PROSECUTION: Is it possible to determine now or to fix now some time prior to the formal handing in, receipt of evidence in this case when the question of the sanity, or the insanity, of these two men will be finally determined by the court?

DEFENSE COUNSEL: If the court please, at the time the defense

open its case, we will be able to give the court exact information as to whether or not the defense wishes to present any further evidence on the issue of insanity, and I should like to ask that the determination be made by the court at that time.

PRESIDENT: It would be the desire of the court that if the defense is going to raise this issue, it be done at the start of the defense' case.

DEFENSE COUNSEL: That is agreeable to the defense.

PROSECUTION: The prosecution is about to present an entirely new witness. Does the defense desire to rearrange itself?

(Whereupon the seating of the accused in the dock was rearranged.)

PROSECUTION: The prosecution calls as its next witness Mendel Stern. The last name is spelled S-T-E-R-N.

I have left before the court the name of a Rumanian interpreter who has yet to be sworn.

PRESIDENT: The witness will stand back and the interpreter will come forward.

The court has appointed Mr. Stefan Aoldea as interpreter. He will be sworn.

(Whereupon Stefan Aoldea, Allied Civilian, was sworn as court interpreter.)

MENDEL STERN, called as a witness by the prosecution, being first duly sworn, testified through a Rumanian interpreter as follows:

(Whereupon the proceedings were translated into the German language.)

DIRECT EXAMINATION

QUESTIONS BY LIEUTENANT JONES:

Q Will you state your full name?

A Stern, Mendel.

LIEUTENANT JONES: Listen to the Rumanian interpreter and not to the German interpreter when you answer a question.

Q Where do you live?

A I live in Bergen-Belsen.

PRESIDENT: Let me interrupt a minute. Request the witness to speak so the court and the accused can hear and in giving his answers to face the court.

Q What is your occupation?

A I am learning mechanic now.

Q What is your nationality?

A I am a Jew.

Q How old are you?

A 20.

Q Were you ever an inmate of a concentration camp?

A Yes.

Q Where?

A Auschwitz, Buchenwald, Dora, Harsungen.

Q When were you at Dora?

A I was in Dora at about May or June 1944.

Q And where did you go after you left Dora?

A I went to Harsungen.

Q When were you at Harsungen?

A I stayed half a year in Dora and afterwards I went to Harsungen.

Q And how long were you at Harsungen?

A Until we were transferred to Bergen-Belsen.

Q And when was that?

A When the Americans entered.

Q Do you know any of the accused in this case?

A Yes.

Q Would you stand up ----

A (Indicating) I know this one.

Q Would you stand up and go over to the dock and point him out to the court?

(Whereupon the witness did as requested.)

A This one.

PRESIDENT: Which one?

A (Indicating) This one.

Q And what is his name?

A Fuchsloch, Josef.

LIEUTENANT JONES: Let the record indicate that the witness identified Fuchsloch wearing placard number 5.

Q Where did you know Fuchsloch?

A In Warsungen.

Q And what do you know about him?

A I know several cases about him when he beat.

LIEUTENANT JONES: Would you talk louder and when you do talk face the court.

A One time when we came back from work in the morning we had to undress completely. One of them didn't undress quick enough, and he beat him very severely.

Q Who was this that didn't undress quick enough?

A It was one prisoner from our block.

Q And what was the nationality of this prisoner?

A He was a Russian.

Q All right, continue your story.

A Fuchsloch beat him that severely so that he collapsed, and he was afterwards carried by two prisoners to the dispensary.

Q Who did the beating?

A Fuchsloch.

Q What did he beat him with?

A He beat him with his hands and boots.

Q Who carried him to the dispensary?

A Two prisoners of our block.

Q What happened to this prisoner that had been beaten?

A Well, he was carried to the dispensary but I don't know what happened then to him.

Q Did you ever hear what happened to him?

A Well, I do not recall that any more. It was long away.

Q Did you ever see this prisoner again?

A No.

Q How many blows did Fuchsloch give this prisoner?

A Well, I do not know that. I didn't watch the incident that closely. I looked that I undressed quick enough.

Q Do you know anything else about Fuchsloch?

A Yes.

Q What do you know?

A I saw that one prisoner went to the garbage bin and picked out some rotten potatoes. That prisoner was a Jew and he observed when he picked out these potatoes and he called him to come there and he beat him up.

Q Who beat him up?

A The first time Fuchsloch beat and then he told the block eldest to beat him, too.

Q What did Fuchsloch beat this prisoner with?

A Well, he beat him with a rubber hose and afterward with his fists and boots.

Q What did the block leader beat the prisoner with?

A With his hands.

Q What happened to the prisoner after this beating? [illegible] looked like [illegible].

A He also was carried to the dispensary.

Q What was the nationality of this prisoner?

A He was a Jew.

Q Was Fuchsloch present when this block leader beat this prisoner?

A Yes, he was present.

Q What happened to this prisoner?

A Well, I didn't hear anything about him.

Q When Fuchsloch was beating this prisoner, whereabouts on the prisoner's body did Fuchsloch beat?

A He gave him strokes upon his back part and everywhere.

Q Now, you said that Fuchsloch used his feet. Where did Fuchsloch kick this prisoner?

A Just where he hit.

Q Now, do you know anything else about Fuchsloch?

A I know one more case.

Q What was that case?

A Once when we moved in there was a Jew who was very weak and could not walk alone. He was supported by two other prisoners. Well, when we arrived at the gate Fuchsloch asked, "What about him?" and the poor man said he did not want to work and thereupon Fuchsloch beat him up.

Q What did Fuchsloch beat him with?

A Likewise with a rubber hose and then with his hands and feet.

Q How long did he beat the prisoner?

A As long as -- until he was almost dead.

Q Did the prisoner remain standing during this beating?

A He wasn't able to stand upon his feet.

Q What was he doing?

A He collapsed.

Q After the prisoner collapsed, what happened to him?

A They gave him some more kicks and he died. He was dead; he looked like dead.

Q Who gave him some more kicks?

A Somebody -- I think it was an SS man who gave him some more kicks.

Q What happened to this man after he received these kicks?

A The prisoner was carried there where the dead bodies were gathered.

Q Who carried this body?

A Two prisoners.

Q Do you know them?

A Well, I don't know their names. They were also two Jews.

Q Do you know anything else about Fuchsloch?

A One more incident.

Q And what is that?

A There was a Gypsy in our block and he left our block and disappeared. The next day he was called. We were assembled and he marched in front of us and he had to shout, "Hurrah, I am again here!"

Q Who forced him to say that?

A Fuchsloch.

Q What happened to him after that?

A DR. TRIVOLT: I would like to raise an objection to the interpretation -- that it was further stated that Fuchsloch was the camp eldest.

DEFENSE COUNSEL: I believe you misunderstood the objection. The witness said "camp eldest" and it was translated as "Fuchsloch."

PROSECUTION: He also said Fuchsloch.

DEFENSE COUNSEL: Well, that may be, but I am just saying what the objection was.

PRESIDENT: Well, what did the witness say?

INTERPRETER STEFAN HOLDOS: He was Fuchsloch and he was called camp eldest.

WITNESS WENDEL STERN: Yes, I stated what his position was. He was camp eldest.

Q What happened to the Gypsy?

A This Gypsy was taken to Dora and was hanged there.

Q Do you know by whose orders he was hanged

A The camp eldest gave the order.

Q From what country did this Gypsy come?

A I don't know. He was a Gypsy. He was from our block.

Q Now, you mentioned these incidents that involved Buchenloch. At what camp did these incidents take place?

DEFENSE COUNSEL: If the court please, I would like to make a motion to have the testimony of the witness referring to this incident of this Gypsy stricken from the record on the grounds that there is no proof of nationality, and unless there is proof that the victim was either an Allied national or cobelligerent the charges do not cover the incident in question.

LIEUTENANT JONES: Sir, I would like to ask a few questions; maybe I can bring out his nationality.

Q You say that this Gypsy was in your block. Did you ever talk to him?

DEFENSE COUNSEL: Did I understand that the ruling is going to be delayed until after this witness -----

PROSECUTION: I ask that the motion be denied.

PRESIDENT: The motion is overruled at this time. It may be renewed later, if ---

LIEUTENANT JONES: Will you tell the witness to talk louder, please?

DEFENSE COUNSEL: If the court please, there is also quite a lot of conversation which is going on between the witness and interpreter which is not being translated. I would like to have that translated or else the conversation stop -- one or the two.

INTERPRETER STEFAN SZOLNOKI: He said that "It was a Gypsy but I don't know his nationality." That is what he said.

QUESTIONS BY LIEUTENANT JONES (continued):

Q I am asking did you ever talk to him?

A Yes, I talked to him. I talked to him when we were working.

(STEIN - Direct)

Q And, in what language did you talk?

A German language. I didn't know well German but, however, we talked together.

Q Did you always talk in German?

A Yes, I talked German to him as much as I could.

Q Did he say where he was from?

A Maybe he told me about that but I don't recall that any more.

Q Did you ever hear this Gypsy speak any other language besides German, too?

A He spoke Gypsy language.

Q Now, you talked about some Jewish people that suffered ---

DEFENSE COUNSEL: If the court please, we would like to have our motion renewed at this time that that part of the testimony of this witness which relates to the incident of this Gypsy be stricken from the record -- to have our motion renewed for lack of proof of the nationality.

PROSECUTION: I think the time to do that is when we are through with the witness. We are not through with the witness yet, may it please the court.

LIEUTENANT JONES: If the court please, the objection of the defense is premature. The prosecution hasn't finished its case. And through other witnesses we intend to establish the nationality of this Gypsy.

PRESIDENT: The objection of the defense, as the court understands, relates to the testimony of this witness in regard to this particular Gypsy, and the motion of the defense that the testimony of this witness in regard to the incident referred to, as to the Gypsy, is granted and that testimony will be stricken from the record.

PROSECUTION: I would like a reconsideration by the court because, suppose the next witness comes along and testifies to the identical procedure and establishes the nationality of this Gypsy, and then how are we going to

get it back into the record? The time, may it please the court, to counter evidence from the record is at the end of the prosecution's case, and not piecemeal as we go along.

I would like also to call the court's attention to the charge to include stateless persons, too.

WITNESS KENDEL STERN: I want to mention that I am telling only the truth -- the truth about the Gypsy.

PROSECUTION: Will you tell him to stop talking while I am talking to the court, please?

The charges specifically refer to stateless persons and other non-German nationals. Now, the court can take judicial notice that the Germans always repudiated Gypsies as being German nationals and consequently it is a mathematical conclusion the court must find that the Gypsy is a non-German national and within the purview of these charges.

DEFENSE COUNSEL: If the court please, the phrase "stateless persons" evidently refers to displaced persons or people who have for some reason had to forego their national rights or protection from their sovereign. It certainly does not include Gypsies, who are a wandering people and acquire the nationality of the country in which they are or where their legal residence is, regardless of the fact that the Germans may or may not have repudiated the Gypsies; I do not concede that; nor do I think that is a matter for judicial consideration, but regardless of that, the international law is: if a Gypsy has a legal residence and that Gypsy is dependent upon that country within which it resides, he is a national of that country, the use solely applies, and that Gypsy is a national of the country to whom it owes allegiance and nationality and, therefore, as far as the evidence is this person may well have been a German Gypsy. We still insist upon the motion to strike.

PROSECUTION: A stateless person can be a German, but if the German government exercises its sovereignty and takes away from him his

German citizenship and says to him, "You are no longer a German," he is then a stateless person. And, one thing further, the accused can't stand on the assumption that a Gypsy can't be a German and now here he argues that he could be a German.

PRESIDENT: The court will have to reconsider its action; subject to the prosecution's establishing the rationality of the Gypsy in question, the action of the court is reconsidered and the motion of the defense is overruled.

The court will now recess for 20 minutes.

(Whereupon the court recessed at 1030 hours.)

(Recess taken.)

(Hereupon the court reconvened at 1130 hours.)

PRESIDENT: The court will come to order.

LIEUTENANT JONES: Let the record show that all the members of the court are present; the prosecution and defense are represented by counsel; all the accused are present; the court reporter and court interpreters are present. At the close of the last session the witness was undergoing direct examination.

PRESIDENT: The witness is reminded he is still under oath.

KARL GLASS, called as a witness by the prosecution, resumed the stand, and being reminded that he was still under oath, testified further through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY LIEUTENANT JONES:

Q Do you know what Aschsloch's duties were at Hersbruck?

A Yes.

Q What were they?

A He gave the orders in the camp.

Q How old were you while you were at Hersbruck?

A 17 years old.

Q Do you have anything else you can tell the court about Aschsloch?

A Yes, I can tell about him how he behaved to prisoners in camp.

Q How did he behave toward the prisoners in camp?

A He only gave orders. He himself had nothing to do with the prisoners, except these cases I mentioned before.

LIEUTENANT JONES: The prosecution has no further questions.

PRESIDENT: And the witness completed his answer?

WITNESS: I wanted to say that these things are what I saw myself. I heard several incidents about him at Hersbruck in camp.

DR. TRIMBORN: Cross examination for the accused Aschsloch.

CROSS EXAMINATION

QUESTIONS BY DR. TRIMBLE:

Q You stated before that you were in Dora for a half a year, is that correct?

A Yes.

Q Until when were you in Dora?

A Until our holidays which are due in December--about December.

PROSECUTION: Just a minute. That wasn't a complete translation. If I heard correctly he said "November or December", isn't that correct?

THE WITNESS: I don't know the exact months--about November, December--I don't recall the exact months.

QUESTIONS BY DR. TRIMBLE:

Q When are your holidays about which you were speaking?

A About the next week.

PROSECUTION: So is talking about this year's holidays.

QUESTIONS BY DR. TRIMBLE:

Q You spoke about the fact that you came in camp in December, and now you say that your holidays are in September, which one is correct?

A I told that I don't know the exact month, November or December.

Q When did you see Buchenloch for the first time?

A I can't tell that--I don't recall that.

Q How much later was it after you came to Harzungen that you saw Buchenloch--was it weeks or months?

A I can't state that exactly.

Q How often did you actually see Buchenloch?

A When we moved out for work I saw him at the gate sometimes, sometimes not.

Q Did you see him in other places outside the gate in the camp of Harzungen?

A He came also in the camp.

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Q Before you came to Harsumgen you were half a year in Dora, is that correct?

A Maybe it was less, but about half a year I stayed at Dora.

Q At any rate, it is definite that you were longer in Dora than you were in Harsumgen, is that correct?

A I was for a longer time in Harsumgen.

Q As far as I could remember you said you came to Dora in May or June and left there in November or December or---and left there and went to Harsumgen, is that correct?

A Yes, that is what I said.

Q And you were longer in Dora than you were in Harsumgen?

PROSECUTION: It is argument with the witness. I pray the court's judgment. He stated at least three times the times he was in both camps.

PRESIDENT: The objection is overruled.

THE WITNESS: I said I was in Dora until Whitsuntide. That is the time I arrived at Dora, and stayed at Dora when our holidays arrived. I don't know---I don't recall exactly the time.

QUESTIONS BY DR. TRIBOLT:

Q Do you remember if the holidays were in September or the holidays were in December when you came to Harsumgen?

A I knew our holidays, only in our Jewish rite---I don't know the months.

Q Then give us the holidays according to the Jewish calendar.

PROSECUTION: I object on the ground of immateriality. It is irrelevant. It has been gone into so many times. If you want to stay here a whole year, you are going to question the Jewish holidays. If you want to ask me, I can tell you how you can find out.

PRESIDENT: Dr. Tribolt, is it your intention to connect this question of time to the case, referring to the case of the accused, Aschoff?

DR. TRIMOLI: Yes, Sir. I want to get out when this man got to Harzungen--if he came in September or December.

PRESIDENT: Does that have a material bearing on the defense of this particular accused?

DR. TRIMOLI: Yes, Sir. One of these cases he stated took place before December 1944.

PROSECUTION: The man has said repeatedly, may it please the court, he came there near the end of November. He said it at least three or four times. If he wants to place it in relationship to Jewish holidays, let him mention specific Jewish holidays and he will help him identify them. Ask him if he came after New Year's Day or the Day of Atonement, or something of that kind.

DR. TRIMOLI: I am not familiar with those holidays very well. That is why I am not in a position to ask the questions the way the prosecutor has suggested that I do so.

PROSECUTION: Well, I stand on my objection. He can't say more than four times he came November or December.

PRESIDENT: The objection is overruled. Proceed.

QUESTIONED BY DR. TRIMOLI:

Q What kind of clothes did Fuenaloza wear?

A He had a military uniform on.

PRESIDENT: Just a minute. Was the question objected to answered or not?

DR. TRIMOLI: No, Sir, it was not answered.

PRESIDENT: Well, read it then.

(Thereupon the reporter read the last question, "Then give us the holidays according to the Jewish calendar.")

QUESTIONS BY DR. TRIMOLI:

Q Give us the names of the Jewish holidays according to the Jewish calendar around the time that you arrived at Harzungen.

A ...e didn't know about days when we were in camp. Why do you ask me questions like that? We couldn't know about time, they tortured us there.

PRESIDENT: The witness will answer the questions that are put to him by the counsel and will not volunteer information.

PROSECUTION: I ask that what he said be translated.

PRESIDENT: I thought it has been.

PROSECUTION: No, Sir, he is so far behind the witness, I don't think he knows about it.

PRESIDENT: Well, all right, what did he say?

INTERPRETER: I can't make out that part.

PROSECUTION: I ask the German interpreter to be used. He is talking in Yiddish, that is what he is doing. So he Miss Singer can understand him if he speaks German.

PRESIDENT: Did he speak in German?

PROSECUTION: Not very well, but I happen to know Rosh Hashanah means "New Year".

[illegible] MELLY SINGER: When he made that long tirade before he said that in the camp it was impossible to know what day of the week it was; one didn't know when it was Saturday; one didn't know what day of the week it was; therefore, why do you ask me that, when these days come; all I know is that people were beaten to death and that is all I can tell you; you shouldn't ask me these questions about time or the days of the week.

Was there snow lying on the ground at the time that you came into the camp?

A No.

Q May I request that the question prior to this one be read again about the uniform that Fuchsloch was wearing?

(The question was read by the reporter, as follows:

"Question: What kind of clothes did Fuchsloch wear?"

"Answer: He had a military uniform on.")

Q Can you state what color this uniform was?

A Blue; like an officer's uniform.

Q Can you remember what insignia Fuchsloch was wearing on the braid on his uniform?

A During the first time there were army insignia on his jacket, but later on all were SS insignia.

Q What did the army insignia look like?

A I cannot state how the insignia were.

Q Can you state the difference between the army uniform and the uniform that he wore later on?

A The SS were a death head over here. (Indicating.)

Q Did Fuchsloch later on also wear such a death's head insignia?

A Yes.

Q Is the name of Frohne known to you?

A Who was that?

Q I ask you to answer my question. I asked you if the name of Frohne is known to you?

A Well, we could not know their names. We did not shake hands.

Q Did you ever hear the name?

A Maybe, but I don't recall it now.

Q Is the name of Matheaius known to you?

A No, I didn't hear it.

(Stern- cross)

Q How do you happen to know the first name of Fuchsloch?

A I learned that here in Dachau.

Q You don't know any of the other accused, with the exception of Fuchsloch, even though you were comparatively a long time in Dora?

PROSECUTION: I object to any questions about Dora; exceeding the bounds of direct examination.

DEFENSE COUNSEL: I do not ask about Dora, I merely asked if other names or the accused were known to him.

PROSECUTION: That is the basis of my objection.

PRESIDENT: The objection is overruled.

A Here in Harsungen.

Q I repeat my question. I asked you if any other accused are known to you, with the exception of Fuchsloch, even though you were comparatively longer in Harsungen than in Dora.

A Shall I recognise some from Dora? I know one from Dora. I don't know what he did there. Just I know him.

Q But you don't know the names; is that correct?

A No, I don't know the names.

Q Was the name of Fuchsloch stated to you here?

A Yes.

Q If I understand you correctly, then you did not remember the name of Fuchsloch before you came here; is that correct?

A Yes.

Q During the time that you were at Harsungen to which block were you assigned?

A In block 10.

Q State the name of the block eldest?

A I don't know his name, but he was a German..

Q Can you at least state the nickname or the name that he was called by, of the block eldest?

A Maybe I knew that at the time but three years passed;now I don't recall it any more.

Q Do you know the name of the block clerk of Block 10?

A I don't know his name. I only know the name of the capo who was with us.

Q What was the name of the capo?

A His name was Louis. He was a gypsy.

Q Which work detail was this to which you and the capo were assigned together in the tunnel?

A I was working in the tunnel.

Q During what period of time did you work in the tunnel?

A As long as I was in Harzungen.

Q Do you know the nationality of the block clerk of Block 10?

A I don't know.

Q Give a more detailed description of the outward appearance of the block clerk of Block 10?

A He was not quite tall but he was then relieved and another block clerk came.

Q Did you know the name of the second block eldest, or can you give any other details about it?

A I don't know.

Q What kind of a triangle did these two block clerks of Block 10 wear?

A I can't recall that.

Q Was among these two block clerks an elderly man approximately fifty to sixty years old?

A I don't know how old he was. We were all day at work. We were never at home. We always worked.

Q You said before that you remembered that Fuchsloch beat a prisoner who did not get undressed quickly enough?

A Yes.

Q When did this happen?

A When it was very cold. I can't state the month.

Q What was the reason that the prisoner had to get undressed?

A They were going to have a bath.

Q So there was a bath at Harzungen; is that correct?

A Yes.

Q Describe exactly where this incident occurred that the man did not get undressed quickly enough?

A It was in front of the gate, inside the camp.

Q And where was the bath in the camp?

A Up near by the gate.

Q So the incident occurred near the bath; is that correct?

A Yes.

Q What did Fuchsloch have to do there near the bath, when this incident occurred?

A He just was standing by, that they should undress quickly.

Q Isn't it a fact that there were prisoners who refused to take a bath and then Fuchsloch was standing there for that reason?

A No, all wanted to go to the bath.

Q Who is this prisoner who was beaten by Fuchsloch?

A He was a Russian.

Q State his name, or at least his first name?

A I don't know his name. He was just called by the number.

Q But you stated before that this Russian was in the same block together with you. Is it a fact that the prisoners called each other by their numbers, or did they call each other by their first names, or their last names?

A We just called each other a certain kind of name.

Q Describe,or tell us here how you called each other, if you did not state the number or you didn't use the names?

A There were only Jews in that block and we talked only to Jews.

Q Then if I understand you correctly, that was not a Russian, but a Jew?

A I want to say that there were also other nationals too, not only Jews.

Q Isaacs, I ask you once again, to please describe how you spoke to your comrades, how you called your comrades, if you didn't use the numbers or the names.

A The Jews, or the others?

Q Both.

A I know the names of the Jews but the others I just addressed while we were working.

Q What I would like to know is how you spoke to the people who were not Jews?

A Well, I didn't have to call him by his name, if I wanted to say something I said it to him when we were working.

Q You stated before that during this incident you ran away; is that correct?

A Who?

Q You.

A Did I tell that?

Q You should answer my question. Did you run away or didn't you? Is that correct or not?

PROSECUTION: I pray the court's judgment. The question was that he said he ran away, and there is nothing in the record that says anything to that effect at all. He said he hurried faster to get undressed.

DEFENSE COUNSEL: (Mr. Arnold) As far as I can remember he stated that he also ran away as fast as he could, because he was afraid that he would also receive a beating.

PRESIDENT: The objection is overruled. Proceed.

(Stern - cross)

A Well, I undressed myself, I didn't run away; that is what I meant.

Q Who were the two prisoners who brought the person who was beat to the dispensary?

A One was Jewish and the other a Russian.

Q How do you know that the prisoner who was beaten was taken to the dispensary?

A I saw that.

Q In other words, you saw that the person in question was carried from the bath to the barracks of the dispensary?

A Yes.

Q Do you remember the incident that you described before, where a prisoner went to the garbage can and was picking out from the garbage some spoiled potatoes?

A That is correct.

Q Is it known to you that it was broadcast in the camp that no garbage was to be taken out of the garbage cans?

A The prisoners knew about that, that they were not allowed to take out from the garbage anything.

Q Is it correct that this broadcast was made known to the prisoners repeatedly on the rollcall field through the prisoners' doctor?

A No, the prisoners' doctor did not say anything about that.

Q Was this prisoner who was allegedly beaten during this one incident in the same block with you?

A Yes.

Q How did you speak to him?

A He was a Jew.

Q Answer my question. How did you speak to him?

A Well, I called him by his name but I do not recall his name now.

Q What kind of a triangle did this prisoner wear?

A Yellow triangle.

Q What more detailed inscription did he have on the triangle?

A The first time there was only a yellow triangle, then there was later on a line; a yellow line.

Q With other words, if I understand you correctly, the prisoner wore a yellow triangle and later on when he changed uniforms, he only had a yellow stripe?

A I can't recall that exactly any more. It is pretty far away.

Q But you remember exactly that at first he only wore a yellow stripe; is that correct?

A Yes, but I don't recall that exactly any more.

Q Where did these garbage cans stand, about which you were speaking?

A In front of the gate. I mean inside the camp.

Q And where were you standing when this incident occurred?

A I passed by.

Q What did you have to do in this area during this incident?

A I just went over to another block; I had my brother there.

Q And you had to pass these garbage cans; is that correct?

A Yes. I saw the garbage bins.

Q How far away were you from the garbage cans when this incident occurred?

A Five to six meters.

Q But you did not stop, is that correct?

A I didn't stop right there but I stopped when I reached the block.

Q What was this prisoner doing just as you were passing within six meters of the garbage can?

A He wanted to take out something from there.

Was he just bending over into the garbage can or how far was he

(: torn - cross)

away from it?

A He was bending over the garbage bin.

Q If I understand you correctly, you just happened to pass that prisoner as he was bending over the garbage can; is that correct?

A Yes.

Q Did you then turn around, after you had passed these garbage cans?

PROSECUTION: I pray the court's judgment. There has got to be an end to this sort of business and I ask the court to stop it. He said he didn't stop, he went as far as the block and then he turned around. If I can remember that far back, the counsel for the defense should be able to remember it.

DR. [illegible]: I asked him if he had turned around after he had passed the garbage cans, before he arrived at the block.

PRESIDENT: The witness will answer the question.

A I didn't turn around, only when I arrived at the block.

Q How far was the block to which you went from the garbage cans?

A About eight or nine meters.

Q When you turned around when you arrived at the block, what was the prisoner doing at that moment?

A He was about to take out things from the garbage bin and cram them into his pockets. He was eating.

PRESIDENT: The court will recess until 1330.

(Whereupon the court recessed at 1200 hours.)

AFTERNOON SESSION

(Whereupon the court reconvened at 1330 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all members of the court are present; all of the accused are present; the prosecution and defense are represented by counsel; the reporter is present and we have a new interpreter to be sworn. The witness is absent.

PRESIDENT: The court has appointed Roland Carroll as interpreter. He will be sworn.

(Whereupon Mr. Roland Carroll, U. S. Civilian, was sworn as interpreter.)

PROSECUTION: Will you markethese for identification as Prosecutions Exhibits P-36 and P-36-A.

(Whereupon the documents referred to were marked as Prosecutions Exhibits P-36 and P-36-A for identification.)

PROSECUTION: May it please the court, the prosecution now offers the English statement by the accused Kilian which has been marked as Exhibit P-36 for identification only and the signed sworn German translation of the statement which has been marked Prosecutions Exhibit P-36-A for identification and asks that they both be received into evidence and made a part of the record. I have shown the signed German copy to the defense.

DEFENSE COUNSEL: No objection.

PRESIDENT: Prosecutions Exhibits P-36 and P-36-A will be admitted into the record for such probative value as the court may see fit to give them. The prosecutor will read the English statement.

(The documents heretofore marked as Prosecutions Exhibits P-36 and P-36-A for identification were received in evidence and marked as Prosecutions Exhibits P-36 and P-36-A, are attached hereto and made a part of the record.)

(Whereupon the prosecution read Prosecutions Exhibit P-36 into the record.)

PRESIDENT: Has the Prosecutions statement been read to the accused or been made available to them?

DEFENSE COUNSEL: Not it has not been made available to the accused. The defense did not have the opportunity to examine this statement before this time except to verify the signature of the accused Kilian. We can do so or at the recess.

PRESIDENT: The court would prefer that it be done at a recess.

DEFENSE COUNSEL: Very well. We will inform the court when it has been done.

PROSECUTION: Will you mark these for identification as Prosecutions Exhibits P-37 and P-37-A?

(Whereupon the documents referred to were marked as Prosecutions Exhibits P-37 and P-37-A for identification.)

PROSECUTION: May it please the court, the prosecution now offers in evidence a statement signed in English by the accused Zwiener which has been marked Prosecutions Exhibit P-37 for identification and also offers a German translation which has been marked Prosecutions Exhibit P-37-A for identification and asks that P-37 and P-37-A be received in evidence and made a part of the record. I also request permission to read it.

DEFENSE COUNSEL: No objection.

PRESIDENT: The prosecutions exhibit P-37 and P-37-A will be admitted into evidence for such probative value as the court may see fit to give it. The prosecutor will read the English translation.

(The documents heretofore marked as Prosecutions Exhibits P-37 and P-37-A for identification were received in evidence and marked as Prosecutions Exhibits P-37 and P-37-A, are attached hereto and made a part of the record.)

(Whereupon the prosecution read Prosecutions Exhibit P-37 into the record.)

PRESIDENT: Prosecutions Exhibit P-37-A will be read to the accused at a later time.

DEFENSE COUNSEL: The defense will do so.

pld-[illegible]

PROCEDURE: The witness who was under cross examination at the end of the last session has returned to the courtroom.

PRESIDENT: The witness is reminded that he is still under oath.

MORRIS STERN, called as a witness by the prosecution, being duly reminded that he was still under oath, resumed the stand and testified further through an interpreter as follows:

CROSS EXAMINATION, continued.

QUESTIONS BY [illegible]:

Q You have stated before the recess that Fuchsloch was wearing a uniform which either looked like an officer's or was similar to the uniform of an officer, is that correct?

A Yes.

Q What made you think that this was an officer's uniform? That, actually, did you base your opinion on?

A Because I saw he was dressed like a camp leader, like a lager fuehrer.

Q Do you recall the incident which you had stated previously that one of the inmates was led by two other inmates through the gate and beaten while they did that?

A Yes.

Q When was that?

A It was about two months prior to our liberation.

Q Where were you at the time of that incident?

A I was in that detail.

Q Is it correct then that this incident occurred after work, when the work detail returned to camp?

A Yes.

Q Where was Fuchsloch standing?

A He was standing by the gate.

Q Did you stop at the gate or did you continue marching?

A We stayed at first there.

(Stern-cross)

Q How long did you stop there?

A For about 10 minutes.

Q Do you know the name of that prisoner?

A I don't know his name.

Q What kind of a triangle was he wearing?

A He was a Jew and were a yellow triangle.

Q Did he wear a plain yellow triangle or was there any inscription in the yellow triangle?

A I don't recall that anymore.

Q Was that prisoner who we have been talking about, who was a comrade of yours together with you in Block 10 also?

A Yes.

Q You have testified before that later on an SS man was also beating a prisoner?

A Yes, that is what I said.

Q Did that occur during the time when you were still standing at the gate during those 10 minutes?

A Yes.

Q Who was that man?

A That was another SS man who was standing by the gate.

Q Do you know his name?

A No.

Q What did he beat him with?

A He had a stick in his hand and with his hand too.

Q Did the prisoner collapse as a result of that?

A The man collapsed when Fuchloch beat him.

Q Do you recall that you testified that he was supported by two other prisoners because he could no longer walk when he entered the camp?

A Yes.

(Stermporcs)

Q Did the two other inmates support the man while he was being beaten?

A No. They let him alone when he was beaten.

Q You have testified before that he was supported by the two other inmates because he was in no position physically to support himself. Isn't it correct that he fell to the ground, that the two other men who supported him let go of him?

A When Fuchaloch started beating him they let him loose and he dropped them immediately.

Q Did I understand you correctly. He fell down. He collapsed because he no longer was supported, is that correct?

A The prisoner was standing for a while but when he got a blow on his head he collpsed.

Q Where did you go after this affair was over?

A We went to our block.

Q What did you do then in the block?

A They gave us some coffee and then we did our usual things what we used to do.

Q You mean to say that after this you did not observe anything else?

A I only saw the incident until he died there, until he was dead.

Q How do you know that he was dead?

A I saw because there was no more life in his face and he got some kicks too.

Q You have testified before under direct examination that the man looked as if he would be dead, is that correct?

A I didn't say that he looked like dead, I said he was dead. I mean't understood well.

Q Did you yourself examine him?

A They didn't allow me to see him and they said he should be carried to the place where the dead bodies were kept.

Q You did not see the dead bodies after the incident did you?

A I only saw him carried to the dead bodies. That is all I saw.

Q Do I understand you correctly that you want to correct your previous testimony by saying that after the incident you were not permitted to see the body again, is that right?

A I only saw him when he was lying there dead. I didn't see him anymore.

Q Where did you see him lie dead? Where was it? Was that on the pile of dead bodies or where?

PROSECUTION: I pray the court's judgement. He said three or four or five times that he saw him at the place he was knocked down. His body was then carried away. He never saw him after he left the place where he was knocked down. Repeated repetitions.

PRESIDENT: The objection is sustained. The witness will not answer the question.

QUESTIONS BY DOCTOR HEIMOLT:

Q Did you talk to the two inmates who carried the dead prisoner away from that scene?

A Yes, I talked to them.

Q Can you give us their names?

A I can't give you their names.

Q Were the e two men living in block 10?

A Yes.

Q Do you know of a report about this incident or if a report about this incident was made to the orderly room of Block 10?

A No report was made.

Q You are certain of that are you?

A I don't know that for sure. I didn't hear that.

Q Did you ever work in the camp detail?

A I didn't work in the camp.

(Stern-cross)

pld-167-7

Q Do I understand you correctly; during your entire stay in camp you worked in Camp Harsungen you worked in the tunnel?

A Yes.

Q You had mentioned before an incident where a gypsy is involved, is that right?

A Yes.

Q Do you recall what kind of a triangle that gypsy was wearing?

A I knew that at that time but now I don't recall it anymore.

Q Was that man living in your block also?

A Yes.

Q Isn't it right that this man had the name of Spindler?

A I said that I don't know what his name was.

Q When the man was recaptured and was standing in front of all the assembled prisoners at the roll call square how was he dressed?

A He had the same clothes as we had.

Q Isn't it right that this man was wearing female clothes?

A I was not there when they called him, only my brother told me about that.

Q You mean to say that you, yourself did not witness the incident when the gypsy was standing at the roll call square and was shouting, "Hooray, I am back."

A I was not there.

Q How do you know that this man was being sent to Dora?

A When we arrived at the gate from our work I heard that said at the gate that he was taken to Dora for hanging.

Q Then you, yourself, don't know, from your own knowledge, that he had been hung? You only heard about it?

A I didn't go to Dora. He was hanged at Dora.

Q Please answer my question? I asked you if you know of your own knowledge.

A This incident was talked about in our blocks and all the camp knows about that.

Q When was the hanging alleged to have occurred in Dora?

A They didn't say when that took place.

Q Did the conversation about this incident with the Gypsy occur immediately after the incident is supposed to have occurred or was it talked about later?

A Immediately after the incident.

Q Do you recall the testimony given by you about the prisoner which was beaten at the gabage can?

A Yes, I remember that and I have talked enough about that.

Q In which block did your brother live?

A Block 11.

Q And you were, at the time when this incident at the garbage can occurred, on your way to Block 11, is that right?

A Yes, I went there but first I went to another place and then went on to block 11.

Q Which other place did you go first?

A I went to another block. I don't recall anymore what block.

PROSECUTION: If I remember correctly the whole subject, "where he went to and what part" was covered thoroughly this morning. Surely there was some reference to it.

DEFENSE COUNSEL: The question which I put to the witness now is something new. The subject hasn't been touched yet.

PRESIDENT: The objection is overruled.

QUESTIONS BY DOCTOR TRIMBLE:

Q Where was Fuchslock when you passed this garbage can in a distance of about five to six meters?

(Stern-cross)

A It was at the gate.

Q Describe to us at which place these garbage cans were located in reference to the entrance?

PROSECUTION: I know that was asked this morning. He said it was right by the entrance to the camp inside the camp right by the entrance.

DOCTOR TRIMBLE: As far as I remember, all that was said this morning was that the garbage cans were in the vicinity of the gate but the exact location was not given.

PRESIDENT: The objection is overruled.

THE WITNESS: These garbage cans were collected at the blocks and were taken to the gates.

Q You mean to say when you entered the gate the garbage cans were standing to the right side or the left side of the gate immediately at the entrance.

A They were to the right side.

Q Immediately next to the gate?

A Yes.

Q And the garbage was contained in these garbage cans and the garbage originated with the prisoners and did not come from the prisoners kitchen, is that right?

A Yes.

Q You have testified before that in the case we have been talking about it was a matter of rotten potatoes and I suppose they were raw potatoes and not cooked potatoes, is that right?

A They were rotten potatoes that were thrown out.

Q I would like you to say once more if those were raw rotten potatoes which had been thrown thrown away by the prisoners or not?

(Stern-cross)

PROSECUTION: I pray the court's judgement. I can't see what earthly difference it makes and there is no evidence he was close enough to tell. Why doesn't he want to know the dimensions or the thickness or width of these potatoes or potatoe peelings.

PRESIDENT: Doctor Trimolt, what bearing does it have on the case whether these potatoes were raw, cooked or rotten or rotted after they were cooked or before they were cooked. The court wants to give you every latitude, but really what is the point in that?

DOCTOR TRIMOLT: The point I am trying to make is that if anything was thrown away outside the confines of the camp then it was raw potatoes which had been cooked in the prisoners kitchen. If anything was thrown away within the confines of the camp then it had been cooked potatoes, boiled potatoes, which had been thrown away by the prisoners.

PRESIDENT: I fail to see, Doctor, what that has to do with this particular accused in the incident under question now.

DOCTOR TRIMOLT: The witness has testified that the garbage cans contained rotten potatoes which usually were thrown away outside the camp and they originated in the camp kitchen while the garbage cans within the camp could only have contained potatoes which had been thrown away by the prisoners. Boiled potatoes or potatoe peels.

PRESIDENT: I suggest that the question either be withdrawn or if not the objection will be sustained.

DOCTOR TRIMOLT: I withdraw the question.

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QUESTIONS BY DR. TRIVOLI (continued):

Q Who was the block eldest who beat the prisoner who peeled the potatoes in the garbage can?

A That was the block eldest of the respective block where this prisoner was from.

Q Which block was the prisoner from?

A From our block.

Q That means from block 10, is that right?

A Yes.

PRESIDENT: The court will recess for 15 minutes.

(Thereupon the court recessed at 1446 hours.)

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(Whereupon the court reconvened at 1500 hours.)

PRESIDENT: The court will come to order.

LIEUTENANT JONES: Let the record indicate that all the members of the court are present, the prosecution and defense are represented by counsel, all the members of the accused are present, the court interpreters and the court reporter are present.

The witness Stern was undergoing cross examination at the end of the last session.

PRESIDENT: I wish to state for the record that Colonel Benson has read the record of that part of the proceedings of the 4th of September at which he was absent.

The witness is reminded he is still under oath.

EMERIL STERN, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, continued to testify through a Rumanian interpreter as follows:

(Whereupon the proceedings were translated into the German language.)

CROSS EXAMINATION (continued)

QUESTIONS BY DR. TRIVOLI (continued):

Q Do you recall that you have testified about the incident during

which a person who did not undress quickly enough was beaten?

A Yes.

Q Did you witness this incident within the bath house or outside the bath house?

A Outside the bath house.

DR. TRIEPEL: No further questions.

REDIRECT EXAMINATION

QUESTIONS BY LIEUTENANT JONES:

Q You stated in cross examination that you had conversation with the two prisoners that carried this body that had been beaten by Fuchsloch. What was that conversation?

A They told me that that prisoner was dead.

LIEUTENANT JONES: Prosecution has no further questions.

DEFENSE COUNSEL: The defense has nothing further.

PRESIDENT: There are no questions by the court.

PROSECUTION: May this witness be permanently excused?

DEFENSE COUNSEL: We have no objection to his permanent release.

PRESIDENT: The witness may be permanently excused.

(Whereupon the witness was excused and withdrew.)

PROSECUTION: We are about to call another witness. Does the defense desire to rearrange itself?

(Whereupon the seating of the accused in the dock was rearranged.)

ABRAHAM BLOCH, called as a witness by the prosecution, being first duly sworn, took the stand and testified through a Rumanian interpreter as follows:

(Whereupon the proceedings were translated into the German language.)

DIRECT EXAMINATION

QUESTIONS BY LIEUTENANT JONES:

Q Will you state your full name?

A Bloch, Abraham.

(BLOCH-Direct)

Q Which is your last name?

A Bloch is my second name.

PRESIDENT: Tell the witness to speak loudly enough to be heard by the court and the accused and to look at the court when he answers questions.

Q Where do you live?

A In Bergen-Belsen.

Q What is your nationality?

A I am a Jew.

Q And from what country?

A From Rumania.

Q What is your occupation?

A I am learning auto mechanic now.

Q How old are you?

A I was born in 1926.

Q Were you ever an inmate at a concentration camp?

A Yes, I was.

Q Of what camps were you an inmate?

A I was at Auschwitz, Buchenwald, Dora, Mirzumgen, and Ellrich.

Q When did you arrive at Dora?

A After our Whitsuntide.

Q What days and month and year was that?

A When the Jewish Whitsuntide comes.

Q Will you approximate to the best of your ability what month that was?

A I don't know which month.

Q What season of the year was it?

A It was summer.

Q What part of summer?

A When summer starts.

(BLOCH-Direct

Q And what year was that?

A 1944.

Q How long did you stay at Dora?

A For 2 weeks.

Q Then where did you go?

A Then I went to Harzungen.

Q And how long did you stay at Harzungen?

A 2 more weeks.

Q And from Harzungen where did you go?

A To Ellrich.

Q What season was it that you arrived at Ellrich?

A It was in fall.

Q Can you give me the month in which it was?

A I can't state the month. I even didn't know what day it was.

Q And how long were you at Ellrich?

A Until the end.

Q Do you know any of the accused in this case?

A From where? From Harzungen or from Ellrich?

Q From any camp. Just answer whether you can identify any.

A Yes, I know some of them.

Q Will you stand up and go over to the dock and tell the court those that you can identify?

(Whereupon the witness approached the dock.)

A (Indicating) I know this one.

Q What is his name?

A Fuchsloch, Josef.

LIEUTENANT JONES: Let the record indicate that the witness identified Fuchsloch wearing placard Number 6.

Q Are there any others that you know? Go closer to them.

A (Indicating) That one.

(KLOCH-Direct)

Q What is his name?

A I can't say that exactly, what his name is.

Q Do you recall what his duties were?

A He was at the hangings in Dora.

Q Walk across the dock and look at each one and as you come to somebody that you can identify, then stop.

A (Indicating) I know this one.

Q Point him out to the court.

A (indicating) That one.

Q What is his name?

A Jacobi.

LIEUTENANT JONES: Let the record indicate that the witness identified Jacobi wearing placard Number 9.

Q Is there anyone else you can identify?

A I don't know any more of them.

LIEUTENANT JONES: You may take your seat.

(Thereupon the witness resumed his place on the witness stand.)

PROSECUTION: Unless there is any question about it, the identification hasn't been completed, and I am putting the defense on notice now.

DEFENSE COUNSEL: Will the interpreter please caution the accused then not to turn over their numbers until the identification is complete.

QUESTIONS BY LIEUTENANT JONES (continued):

Q What were your duties at Ellrich?

A First time I worked with the box detail.

Q Who was the camp leader at Ellrich?

A Brinkmann.

Q What do you know about Brinkmann?

A When we arrived in the camp we didn't get either shoes nor

clothes. Further on, we had to work during night time. And later on when I worked during night time, I worked in the tunnel.

Q I am not asking you about your work. I want you to tell the court what you know about Brinkmann.

A Well, Brinkmann, I know that he had shot 22 Jews.

Q How do you know that he shot 22 Jews?

A When we finished our working, these 22 Jews remained at a track outside there and Brinkmann shot them.

Q Yes, but how do you know that Brinkmann shot them?

A I at that time came into the camp.

Q Did you see Brinkmann shoot these Jews?

A He didn't shoot them all himself; he shot about 5 of them and the rest were shot by other SS men.

Q How do you know that he shot 5 of them?

A I passed by at that time and saw him pull his pistol and I saw that he shot one and then I went away and later I heard in the camp from Jews that he had shot more.

Q Do you know where this one Jew came from that you saw shot by Brinkmann?

A He was a Hungarian Jew.

Q Where had this detail of Jews come from?

A I didn't care about that -- where this detail came from; I just looked to get into camp to get my food.

Q Do you know anything else about Brinkmann?

A He had shot 12 Frenchmen.

Q How do you know he shot 12 Frenchmen?

A We were moving out for work; it was in the morning; and I myself saw these Frenchmen lined up in a place and I saw that he shot one.

Q When did this happen?

A I can't state that when it happened. I was then a child, a young boy of 18 years old and I was to that extent starved out that I only was 15 kilograms; my weight was only 15 kilograms.

Q What season of the year was it?

A It was in 1945. 1378

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Q What season of the year was it?

A It was in '43.

Q And at what camp?

At Alrich.

Q You said that you saw Brinkmann shoot one of those Pro.comen. You said that he was dead. How do you know that he was dead?

A I passed by and saw that he was lying on the ground.

Q What was the distance that you were away from this body?

A One meter or one and a half.

Q Did you see where the prisoner had been shot?

A Yes, I saw because blood was running out of his head.

Q Now, you also said that you saw Brinkmann shoot one Jew. How did you know that that Jew was dead?

A We were so weak that if we somebody gets even one blow he would have been dead.

Q Did you see any blood in the case of the Jew?

A Well, there was no need to run any blood, he was so weak that he was for sure dead.

PROSECUTION: Will the Court instruct the witness to please answer the question?

PRESIDENT: Will you read the question?

(Thereupon the reporter read the last question, "Did you see any blood in the case of the Jew?")

PRESIDENT: The witness will answer that question.

THE WITNESS: I didn't see any blood. I only saw a hole on his head.

QUESTIONS BY LIEUTENANT JONES:

Q Where did this incident happen?

A Beside the trees.

(Block-Direct)

Q At what camp?

A Dirlic..

Q What else do you know about Brinkmann?

A He hanged three Slovakians in the camp.

Q Tell the court about that incident.

A We were coming in from work and we had to line up on the roll call to attend as long as those three Slovakians were hanged.

Q Were you there during the entire hanging?

A Yes, I was there during all the time.

Q What was Brinkmann doing at this time?

A Brinkmann watched until they were hanged.

Q Where was he standing in relationship to the people who were being hanged?

A I can't recall that any more for it is twelve years ago.

Q Did Brinkmann say anything at the time of his hanging?

A Brinkmann said they should be hanged.

Q How do you know he said that they should be hanged?

A I heard that from my Jewish fellow prisoners. They told me that Brinkmann said that they should be hanged.

Q What were Brinkmann's duties at Dirlich?

A He was main camp leader.

Q Do you know anything else about Brinkmann?

A I saw him beat two prisoners on the roll call square and he also kicked them with his feet.

Q What happened to these prisoners?

A They were carried to the place where the dead bodies were gathered.

Q What were their nationalities, if you know?

A Both were Jews, one was from near by home town.

Q Where was the other one from?

A The other one was also from Rumania, but I don't know from which town he came.

Q Did you see them as they were carried away?

A Yes, of ccurs , I saw th t, otherwise, I wouldn't testify so.

Q What was their condition?

A They were all over covered with blood owing to the foot kicks.

Q When was the last time that you saw Brinkmann?

A The last time when I saw Brinkmann was when we left Birkenau for Bergen-Belsen.

Q What did Brinkmann look like?

A Like a main camp leader. And I didn't shake hands with him. I don't know what kind of a man he was.

Q Will you stand up, go over to the door and look at each one of the accused one by one and take your time and see if there are any others among the accused that you can recognize. Stop and look at each one.

A I can't recognize any of them because I don't know what their duties were. I think I know that one (indicating).

Q Which one is that, point him out.

A (Indicating) That one.

Q What is his name?

A He was a block leader. He was a block leader at Dora.

Q Is Brinkmann among the accused?

DEFENSE COUNSEL: If it pleases the court, I object to that. That is a deliberate attempt to lead the witness and put him into an identification.

PROSECUTION: Well, we are going to have to do something with him.

PRESIDENT: The objection is sustained notwithstanding.

PROSECUTION: I want the witness to go from one man to the other and look at each one of them individually, which he has not done, and I want you to translate the thing the way I say it. I want to see him stop in front of every man and look at him.

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THE WITNESS: I don't know any of them.

QUESTIONS BY LIEUTENANT JONES:

Q Now, you identified Muehsloch as wearing Blazard Number 6. What do you know about him?

A I know about an incident when an Hungarian Jew disappeared and was missing for about half a year from the roll call and then Muehsloch had him looked up, then he was brought and then Muehsloch beat him up. After Muehsloch had beaten him another capo also beat him and afterwards he was carried to the place where the bodies were kept--the dead bodies were kept.

Q Did Muehsloch use any instrument to beat this prisoner?

A Yes, he had that cable wire.

Q Did you see this prisoner after he had been beaten?

A I didn't see him any more because I saw him he was carried to the dead bodies and he was no more alive.

Q How do you know he was no longer alive?

A That place where the bodies were kept was not far away from the roll call square, and I saw him carried over there.

Q In what camp did this beating take place?

A In Hertungen.

Q Would you give to your best information the time that this happened?

A I was for about two months there when this took place.

Q How long did Muehsloch beat this prisoner?

A He beat him for about half an hour.

Q Did the prisoner remain standing during this beating?

A He was no more able to walk along, when he got 60 strokes, and afterwards they beat him also on his head.

Q Do you know anything else about Muehsloch?

A I know about an incident when we came into the camp and we had roll call, and that the roll call took for almost two hours. There a gypsy was

(Mlecewicz)

about to escape and during these two hours they caught him up and he had to run all over the camp shouting, "Hooray, I am again here".

Q How long did the gypsy continue to do this?

A As long as he ran all over the camp and shouted to every prisoner this I mentioned before.

Q Did this prisoner remain at the camp?

A Afterwards they didn't do anything to him, he was just taken to work for hanging.

Q In what sense was it that he made the statement, "Hooray, I am back again"?

A At Appellplatz in the camp.

Q Who gave this gypsy this order to run around making this statement?

A Buchalcon gave the order.

Q How do you know that?

A I was also on the roll call square and I heard him say he should [illegible] he should run all over the camp shouting, "Hooray, I am here again".

Q Do you know anything else about Fuchsloch?

A At one time I was sick and stayed in the block. There was another Jewish fellow with me too, and Fuchsloch came checking the block and everybody had to show his ticket. That is a ticket that showed that he was permitted to stay in the block. There was one prisoner who could not show his ticket. Fuchsloch asked the block leader, "what about this man, why doesn't he have a ticket"and the block leader said, "I don't know", and then Fuchsloch started to beat this prisoner and afterwards so did the block leader too.

(Conference between court and counsel off the record.)

PROSECUTION: For the record, I will state that this witness has completed his identification, so far as visual identification is concerned.

PRESIDENT: The court will recess for fifteen minutes.

(Whereupon the court recessed at 1605 hours.)

(The court reconvened at 1630 hours.)

PROSECUTION: Let the record indicate that all members of the court are present, prosecution and defense are represented by counsel, all the accused are present, the interpreters and the court reporter are present.

ABRAHAM Bloch, called as a witness by the prosecution, having been previously sworn, resumed the stand and testified further through an interpreter as follows:

PRESIDENT: The witness is reminded he is still under oath.

DEFENSE COUNSEL: If the court please, may the record indicate that Prosecution Exhibits Nos. 36, 36-A, 37 and 37-A, which are the statements of the accused Milian and Zwiener have been read to the accused during the last recess.

PRESIDENT: It will be so ordered.

DIRECT EXAMINATION (Continued)

QUESTIONS BY 1.T. JONES

Q In answer to your last question you said that Fuchsloch beat a

prisoner who did not have a slip which gave him permission to be in the block. How long did Fuchsloch beat this prisoner?

A Almost for half an hour.

Q Did he use any instrument to beat this prisoner?

A He had a wire cable in his hands.

Q Did he use this cable?

A Yes.

Q What happened afte Fuchsloch beat this prisoner?

A Afterwards he was also beat by the block leader and then he was carried to the dispensary.

Q Why did the block leader beat this prisoner?

A Because the block leader was responsible, because he had no ticket on him.

Q Was Fuchsloch present when the block leader beat the prisoner?

A No, Fuchsloch left.

Q What happened to the prisoner?

A I don't know what then happened to him.

Q Did he remain in this block with you?

A No, he was carried to the dispensary.

Q What was the condition of this prisoner when he was carried to the dispensary?

A He was beat up.

Q But after the beating, did the prisoner remain in the block?

A As I already told, he was carried to the dispensary because he was very severely beaten.

Q Did you ever see him again?

A No, I didn't see him afterwards, because I left subsequently the camp.

PROSECUTION: If the court please, there was one accused that was identified this morning, but his number is not turned around.

PRESIDENT: He did not identify any others.

PROSECUTION: I pray the court's judgment; he even said he saw him present at hangings. He mentioned his name, too.

DEFENSE COUNSEL: No, he didn't.

PROSECUTION: I appeal to the record.

PRESIDENT: No, he did not mention his name.

Q Have you anything to add about Fuchsloch?

A I would have to say that I have heard that many prisoners died on account of his orders.

Q Would you explain that last statement to the court?

A I have heard, for instance, from my Jewish comrades that a prisoner, a Jew, was beaten by him and the prisoner died afterwards, and things like that I heard about him.

LT. JONES: Prosecution has no further questions.

CROSS EXAMINATION

QUESTIONS BY DR. THEILEN (in behalf of the accused Fuchsloch)

Q Do you recall you have testified before that you came to Dora at the time of the Jewish Whitsuntide in 1944?

A Yes.

Q Do you further recall that you have testified that you remained in Dora approximately two weeks?

A Yes. I stayed there for two weeks.

Q Do you further recall that you have testified that you subsequently remained two more weeks at Harzungen?

A Yes; I recall that.

Q Do you recall the statement you have made this morning that after those two weeks in Harzungen you came to Ilfeld? Do you recall this?

A Yes.

Q So I understand you correctly that you came to Ilfeld still in the summer of 1944?

A Yes; in summer.

Q When was the incident with the gypsy which you have described.

(Conversation between witness and interpreter.)

DR. THEILEN. I ask to have the testimony of the witness translated.

INTERPRETER: I can't understand him.

A After six weeks was this incident with the gypsy.

Q I asked when the incident with the gypsy occurred?

I can't state that, when it was.

Q Do you know how the gypsy was dressed when the incident occurred?

A He had his prisoner's clothes on.

Q Did the gypsy have an umbrella?

A No.

Q If I recall correctly you have testified before that the gypsy had tried to escape from the roll call square, is that right?

A Yes, that is what I said.

Q The gypsy did not try to escape previously to that, is that right?

A No.

Q Do you know the name of that gypsy?

A There were four hundred prisoners. I don't know how to know their names.

Q If I understand you correctly there were four hundred prisoners altogether in that camp, is that right?

PROSECUTION: I pray the court's judgement. I didn't ask him or he wasn't asked a single thing about the size of the camp and I respectfully request that he be limited in his cross examination to the things this man testified about.

PRESIDENT: The objection is overruled.

DEFENSE COUNSEL: If it please the court, may I have just a few minutes to consult with Doctor Trimolt?

PRESIDENT: Go ahead please.

THE WITNESS: I only can say that there were four hundred prisoners in our day shift. I don't know about other prisoners who worked during the night.

Q You were personally present during the incident with the gypsy, is that right?

A Yes, I was there because the gypsy was running all over us, between our rows and had to shout, "Ho-ray! I am again here."

(Mech-cross)

Q A witness hastestified here that this incident occurred either November or December, '44. Is that correct?

A Maybe he was right. I don't know that.

PROSECUTION: I pray the court's judgement, he has already said---

Q How do you explain that you say this incident occurred in the summer of '44 while the other men said it was either November or December of that year?

PROSECUTION: He just said, "I don't know, maybe the other man was right." He just said that.

DOCTOR TRIMBLE: If it please the court, the witness has testified that he was personally present when this incident occurred. He has also testified that he had left Harsungen and was in Hilrich in the summer of 1944 so there is a direct conflict in their testimony. How could he have been there in November or December.

PROSECUTION: That is for the court to decide. He has answered as best he can. I pray the court's judgement.

DEFENSE COUNSEL: The witness is entitled to reconcile the difference in testimony. Maybe he can explain it. I can't.

PRESIDENT: The objection is overruled.

THE WITNESS: I didn't say that it happened in summer.

QUESTIONS BY DOCTOR TRIMBLE:

Q Which block had you been assigned to in Harsungen?

A I was in Block two where the canteen was.

Q How long had you been sick and didn't go to work for that reason when you were in Harsungen?

A There was no time appointed or fixed. They just give us a slip and that was valid for three days.

Q Will you please answer my question. The question was, "How long had you been sick and did not go to work for that reason while you were in Harsungen?"

A I stayed there for three days.

Q Did you remain in block two in camp when you did not go to work?

A Yes, I was in block two.

Q What was the name of the block leader?

A I don't know what his name was.

Q Was it the block leader or the block eldest who was involved in the incident of beating that prisoner?

A There were only two men, a clerk and a block chief.

Q Was the block leader you had been referring to previously an inmate or was he an SS man?

A I don't know what he was. He talked well German.

Q When did you see the accused Fuchsloch for the first time?

A I saw him at Harsumgen as long as I left for Ellrich.

Q Do you recall how long you had seen the accused Fuchsloch before the incident about beating the prisoner in Block two occurred?

A I had acquaintance of him in the block and he came every day to our block.

PRESIDENT: The court will recess until nine o'clock tomorrow morning.

(Thereupon the court recessed at 1655 hours.)

MILITARY GOVERNMENT COURT VOLUME 21

CASE RECORD

CASE NO. 000-50-37

PROSECUTOR Col. Wm. Berman

*[redacted] MILITARY COURT
[redacted] GENERAL

DEFENSE COUNSEL Major L. Poullada

INTERPRETERS Stefan Esoldos, Nelly Singer, Roland Carroll, Morton Bruder

PLACE Camp Dachau, Germany

REPORTERS Peter L. DiCurti, Gloria M. Spears, Mabel D. Holt, Eunice L. Hasdorff

DATE Sept. 9, 1945

WITNESSES

Abraham Bloch,

Roumald Bak

ACCUSED ARTHUR KURT ANDRAe, et al

ADDRESS SEX AGE

FIRST CHARGE SECOND CHARGE

PLEAS

FINDINGS

PREVIOUS CONVICTIONS

SENTENCE

IMPRISONMENT (TERM
(BEGINNING 194

FINE AMOUNT
TO BE PAID BEFORE 194
FURTHER TERM OF IMPRISONMENT

CHARGE SHEET AND RECORD OF TESTIMONY ARE ANNEXED HERETO.

SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY

SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

RECORD OF TESTIMONY

in trial of

THE UNITED STATES versus ARTHUR KURT ANDRAE, et al

by

GENERAL MILITARY GOVERNMENT COURT

tried at

CAMP DACHAU, GERMANY BEGINNING 7 AUGUST 1947

9 September 1947 Pages 1389 - 1457

TESTIMONY

WITNESSES	Direct	Cross	Redirect	Recross	Court
ABRAHAM BLOCH		1389	1403		
ROMUALD BAK	1404	1430			

CAMP DACHAU, GERMANY

9 September 1947.

MORNING SESSION

(The court reconvened at 0930 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: Let the record indicate that all the members of the court are present, the prosecution and the defense are represented by counsel, the accused are present, the court reporter is here, and we have a court interpreter that has not been sworn.

(Whereupon Morton L. Bruder, a United States civilian, was sworn as court interpreter.)

PROSECUTION: At the close of the last session the witness Bloch was undergoing cross examination.

ABRAHAM BLOCH, called as a witness by the prosecution, having been previously sworn, resumed the stand and testified further through an interpreter as follows:

PRESIDENT: The witness is reminded he is still under oath.

WITNESS: Yes.

CROSS EXAMINATION (Continued)

QUESTIONS BY DR. TRIMOLD (for the accused Fuchsloch)

Q Do you recall you have testified yesterday towards the end of the session about an incident in Block 2, in which you were for recuperation.

A Yes.

Q Do you know the name of the prisoner who is alleged to have been beaten?

A I don't know that because it is three years over.

Q Did you ever talk to the man before, or was it the first time you saw the man during the incident?

A I saw it the first time in the dispensary.

Q You mean to say that at the time this incident occurred you had

not spoken to the man yet? Is that correct?

A I don't know what to say.

PRESIDENT: Will you repeat that last answer?

INTERPRETER: "I don't know what to say".

Q I asked you once more if you ever spoke to the man who is alleged to have been beaten during the incident, before the incident or not?

A How could I talk to him, he was working night shift and I was working day shift.

Q Do you know the nationality of that man?

A A Hungarian Jew.

Q You furthermore spoke about an incident during which a prisoner was beaten and later on was thrown onto a pile of dead bodies?

A Yes, I told that.

Q You furthermore stated, is this correct, you furthermore stated that you saw the dead body on that pile of dead bodies? Is that right?

A I saw him when they carried him away to the dead.

Q Where was that pile of dead bodies?

A It was a little bit away from the roll call place.

Q Give us some more details. Tell us in the vicinity of what barracks the pile of dead bodies was?

A I couldn't say what barrack but it was close to the main gate.

Q Was that pile of dead bodies in the vicinity of the dispensary barracks?

A Yes.

Q Isn't it a fact that dead bodies were not piled up, but immediately after they came from the dispensary were crated in the boxes?

A Yes, they were put in boxes. They were brought outside from the dispensary and then put in boxes.

Q Is it not a fact that whenever somebody died he immediately came to the dispensary first?

A No, when a man died they put him right away in the barracks.

Q Isn't it a fact also that the place where the boxes were kept, the boxes with the dead bodies, that nobody was admitted except the personnel from the dispensary?

A Yes, only the people who were working in the dispensary.

Q Who were the two men who put the dead body on the pile of dead bodies?

A Russians.

Q Had those two Russians been together with you in Block 2, or had they been together with you on the same work detail?

A There was a detail only working for dead people and they were living in a separate block.

Q In which block did these dead body carriers live?

A Near the dispensary.

Q Please give the number of the block?

A I don't know.

Q When did the incident you have just talked about occur?

A It was in the six weeks when I was in Harsungen.

Q You testified yesterday on the direct examination, and also on the cross examination, that you spent two weeks in Harsungen. How do you reconcile this fact with the statement you have just made now, that you spent two weeks at Harsungen?

A No, I was two months in Harsungen.

Q Do you want to change the statement you have made yesterday when you said that you only spent two weeks in Harsungen, and you repeated it twice?

A I told yesterday that I was two months, but the Roumanian interpreter didn't understand it and he interpreted it two weeks. This incident happened when I was down six weeks and then I left for another place for two weeks.

how come that you did not immediately correct yesterday the translation of your statement, considering the fact that you understand German in some fashion and that even in Jewish the word "week" and the word "month" are very similar to the words "week" and "month" in German.

A I was asked a different kind of question; I was asked if I saw when that prisoner was beaten.

PROSECUTION: I don't think you translated it all; I am sorry.

A I was asked how long I was down there and I told that when I was six weeks down there that prisoner was beaten; and I remained still down there two weeks after.

Q I call your attention to the fact that this, again, does not reconcile with the statement you have made yesterday. You were asked twice yesterday how long you remained in Harsungen and this question was not tied into any other question, and you answered to that that you remained two weeks there.

PROSECUTION: I object, on two grounds. One, it is repetitious, the same question; and, the second, it is argumentative with the witness.

DR. TRIMBLE: I withdraw the question. Isn't it correct that you have answered yesterday on the direct examination, as well as on cross examination, to the question how long you remained in Harsungen, the words in Roumanian, the words duo septuemane?

A I thought he asked me about the other two weeks after that incident.

Q Did you, in reply to the question how long you remained in Harsungen, answer that you have stayed there duo lon?

A I was asked how long I was. I told two months in Dora and two months in Harsungen.

Q Isn't it a fact that you repeatedly stated that you remained two weeks in Harsungen and two weeks in Dora?

PROSECUTION: I pray the court's judgment. Constant repetition.

(Ploch - cross)

DR. TRIMOLD: In my opinion, this is not repetitious because the witness never answered the question yet.

PROSECUTION: I pray the court's judgment. The man has said repeatedly that he can't remember dates. He has said so repeatedly.

PRESIDENT: The objection is over ruled. The witness will answer the question.

A No, I said I was two months at Dora and two months in Harsungen.

Q Isn't it also a fact that you have testified yesterday that when you came to camp Ellrich it was still in the summer?

A It was no more in summer. It was between fall, because the flowers fell down.

Q From where do you know the name of Fuchsloch?

A I don't know the name from the camp, but I found out here that his name is Fuchsloch.

Q From where do you know the first name of Josef?

A He used to have a friend in Block No. 2 and he used to visit him very often, and his friend called him Josef.

Q Was that friend an inmate?

A Yes, he was an inmate.

Q And you mean to say that the prisoner called the SS guard, who was his superior, by his first name and he did not address him by his rank?

A No, he called him "Officer" but I heard in the block his name was Josef.

Q I raise an objection to the interpretation. The witness has said "officer" and it was translated as "fuehrer", and I myself raise an objection to an SS officer as a fuehrer.

PRESIDENT: In what way was it translated to the witness?

INTERPRETER BRUDER: "Officer".

PRESIDENT: All right.

Q If I understand you correctly, the inmate did not address the

accused Fuchsloch himself by the name of Josef, did he?

PROSECUTION: I pray the court's judgment. The witness has just been asked the same question. He said he called him "officer". He heard the name Josef in the cell. He keeps asking the same question.

DR. TRIMOLD: At first the witness has stated that the inmate addressed Fuchsloch as Josef; later on he stated that he addressed him with "officer".

PRESIDENT: The objection is overruled.

INTERPRETER: Will you read the question?

(The question was read by the reporter, as follows:

"Question: If I understand you correctly, the inmate did not address the accused Fuchsloch himself by the name of Josef, did he?"

A Sure, he called him "lager fuehrer". Main camp leader.

Q What was the name of that inmate?

A I don't know.

Q What was the nationality of that inmate?

A I never spoke to that prisoner and I don't know what kind of nationality he was.

Q If you never spoke to that inmate, then how do you know that the accused Fichsloch's first name is Josef?

A I don't know for sure of his name, if it was Josef or another thing. There was more than one man in that barrack and I heard the name of Josef.

Q Is it not a fact that you heard the name of Josef in reference to Fuchsloch the first time here?

A No, I heard that in the lager; not here.

Q You have testified yesterday that the incident with the gypsy occurred in the summer of 1944; is that right?

A Yes; that is right.

Q The witness Stein has testified that this incident with the

gypsy occurred after November or December, 1944?

PROSECUTION: I pray the court's judgment; that question was asked identically yesterday.

PRESIDENT: Will you read the question?

(The question was read by the reporter.)

PRESIDENT: I don't believe any question has been asked as yet; counsel made a statement, but I didn't hear any question. What is the question?

DR. TRIMOLD: How do you reconcile the statement of the witness Stern with your statement that this incident has occurred in the summer of 1944?

PROSECUTION: I pray the court's judgment. It was asked identically yesterday and I can give the court exactly what he said. He said, "Maybe I am wrong about the date." I object to the question, both because it is repetitious and because of the form and content.

PRESIDENT: The objection is overruled; the witness will answer the question.

INTERPRETER: Will you read the question?

(The question was read by the reporter as follows:

"Question: The witness Stein has testified that this incident with the gypsy occurred after November or December, 1944. How do you reconcile the statement of the witness Stein with your statement that this incident has occurred in the summer of 1944?"

A I don't know what he said; I know what I know.

Q You mean to say it is correct that this incident occurred in the summer—

PROSECUTION: I object.

DR. TRIMOLD: I withdraw the question.

PRESIDENT: Objection sustained; the witness will not answer the question.

Q Have you been in Camp Harzungen in the winter of 1944 and 1945?

A Yes, for sure I was in there.

Q How do you call Jewish Whitsuntide?

A In Jewish? In Jewish it is called Schewies; in Roumania, it is called Rosole.

Q Isn't it a fact that these two holidays are in the spring or in the early summer?

PROSECUTION: I pray the court's judgment; there has been only one holiday talked about.

PRESIDENT: I believe the prosecution is correct; the court understands only one holiday is being discussed here.

DR. TRIMOLD: In that case I beg to take the question in the singular, not the plural. In other words, isn't it a fact, that this holiday occurs in the spring or in early summer?

A Yes.

Q And it is a fact that when you came to Dora it was around this holiday; is that right?

A If you don't believe me, ask these people that are sitting around over here.

PRESIDENT: The witness will answer the question.

PROSECUTION: I pray the court's judgment; I want to object again to this series of questions. It is a constant harping on dates and the man has repeatedly said he can't remember dates. And I again ask the court's judgment on this whole series of questions about time.

DEFENSE COUNSEL: If the court please, time is very material.

PROSECUTION: Well, he says he can't give the time.

DEFENSE COUNSEL: We understand that, and I believe the line of questioning which the defense counsel is trying to follow is one by which he is trying to obtain, as closely as possible, by associating this witness' memory with dates so that he can fix the time, certain dates. That is why we have to examine repetitiously. If he knew dates, that would not be necessary.

PRESIDENT: The objection is overruled. Will the reporter read that last question.

(The last question was read by the reporter, as follows:

"Question: And it is a fact that when you came to Dora it was around this holiday; is that right?"

PRESIDENT: Now please translate that question to the defense and tell him to answer that question to the best of his own knowledge, not referring to the opinion of other people in the courtroom.

PROSECUTION: I pray the court's judgment on the translation. You are asking the time he came to a place, tell him which place, please.

PRESIDENT: The question is when he came to Dora.

A When we arrived from Buchenwald at Dora it was close to Schewiss. To that holiday.

DR. TRIMOLD: No further questions.

QUESTIONS BY DEFENSE COUNSEL

MAJOR PODELLA: I regret to have to pursue the same line of questioning, but I will have to establish when he arrived at Ellrich in order to cross examine intelligently for the accused Brinkmann. I think I can probably get it out of him in four questions, however.

PROSECUTION: May I suggest that you try to fix it with some Jewish holiday.

You testified you arrived at Dora approximately around your Jewish Whitsuntide holiday. Of what year, please?

A 1944.

Q You testified you stayed in Dora approximately two months; is that correct?

A Yes, that is true.

And from Dora you went to Harzungen; is that correct?

A Yes.

So therefore you must have arrived in Harzungen approximately in June or July of 1944; is that correct?

A June or in July.

Q And you remained in Harsungen two months, you said. Is that correct?

A Yes, that is true.

Q So then you must have arrived in Ellrich at approximately September or October at the latest; is that correct?

A I don't know exactly, but it could be September.

Q How long did you remain in Ellrich?

A Until the last time I went away to Bergen-Belsen with a transport.

Q So, in other words, your previous statement that you were in Harsungen in the winter of 1944 is incorrect; isn't that a fact?

A Yes, it was in 1944.

Q In the winter of 1944 you were at Ellrich; is that correct?

A In the winter of 1944 and 1945 I arrived at Ellrich.

Q Now it was in Ellrich where you said you saw the accused Brinkmann shoot 22 Jews; is that right?

A Yes, that is true. Some more truth about that.

PRESIDENT: Read the question and let him answer it again, please.

PROSECUTION: And let him translate the whole of the answer. I understood what he said.

INTERPRETER: He said "Yes".

PRESIDENT: I asked you to translate the question to the witness and let him answer it.

(The Interpreter Pruder then translated the question.)

A I said 22 and I also told about twelve Frenchmen.

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Q We will come to the 12 French in just a moment. I want to talk with you a little bit first about these 22 Jews that you saw shot by Brinkmann?

Just a moment. I will ask him some questions. Tell him to answer my questions as I ask them.

How much do you weigh now?

A About 68 kilos.

Q When did you see Brinkman for the first time when you arrived at Ellrich?

A When we arrived in the camp in the main gate. Then the camp commander took it over to him.

Q How often did you see Brinkmann in camp?

A I didn't see him in this camp at all. I only saw him when I went to work and I used to count prisoners.

Q Did you know him very well?

A Yes, I knew him very well.

Q How does it happen that you didn't recognize him here?

A I would like that man to rise up where he sits and I would like to see how tall he is and I'd recognize him right away.

Q Now how far away were you from where this shooting was taking place? I am talking about the 22 Jews.

A About two or three meters.

Q were you standing there or were you just passingg by?

A I was running to.

Q Was Brinkmann the only man who was doing the shooting or were other men shooting?

A I saw when he shot one and then he shot five and the other man were shot by other SS men. The rest of the other ones were shot by other SS men.

(Bloch-cross)

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Q How many other SS men were there?

A I don't know how many SS men there were. Could be was thousands of people.

Q Was this an official execution or did they just shoot these people on the spur of the moment?

A There was the worse camp and they just shot them without reason.

Q How long had you been there or in that vicinity before this shooting occurred?

A Could be five or ten minutes.

Q What were you doing at that time?

A We. I was marching into the camp or we were marching into the camp.

Q What time of the day was it?

A It was before the evening when we returned from our work.

Q Did you know any of the 22 Jews that were shot?

A Sure I know them, but it was impossible for me to recognize them at that time whether they were my friends or not.

Q Were they all members of one detail or commando?

A Yes.

Q So the entire detail was shot, is that it?

A No, they didn't kill our whole detail.

Q How many men were in the detail?

A How should I know? It could be 800 worked in one detail too.

Q How did you know there were exactly 22 of them shot?

A I heard it from my friends who were tailors and shoemakers.

Q Isn't it a fact that you heard the whole story from your friends?

A No, I saw myself, my own eyes when one was shot.

Q How did you know it was Brinkmann who shot him?

A Brinkmann was outside when the Jews were placed in a line and I

saw when Brinkmann took the pistol and shot that man.

Q Were these men all lined up before they were shot?

A Yes.

Q Were they shot by an execution squad?

A The 22 were selected to be shot.

Q Were they shot by a formation by squad or were they just shot by individual SS men?

A He shot one of them and then he issued an order to shoot the other men.

Q Did you hear him issue that order to shoot the rest of them?

A I heard it from my comrades.

Q Now you said that you started running by, didn't you, when the shooting was going on?

A Yes, when one was shot I just marched by.

Q Weren't you afraid that you had been shot too or that you would be shot?

A I was not afraid. I was marching through with my detail.

Q Did you stop at all?

A No, we marched in in the camp.

Q Didn't you testify yesterday that you stopped and examined one of the bodies and that it had a hole in his head and didn't have any blood on it?

A I said it, I stated yesterday that I marched through and I saw when he shot the man and I also said he had a hole in his head.

Q But didn't you say that you saw no blood?

A No.

PRESIDENT: The court will recess for 20 minutes.

(Whereupon the court recessed at 1035 hours.)

(Whereupon the court reconvened at 1100 hours.)

PRESIDENT: The court will come to order.

LIEUTENANT JONES: Let the record indicate that all the members of the court are present, the prosecution and defense are represented by counsel, all the accused are present, the court interpreters and the court reporter are present.

At the close of the last session the witness Bloch was undergoing cross examination.

PRESIDENT: The witness is reminded he is still under oath.

ABRAHAM BLOCH, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, continued to testify through a Yiddish interpreter as follows:

(Whereupon the proceedings were translated into the German language.)

CROSS EXAMINATION (continued)

QUESTIONS BY DEFENSE COUNSEL (continued):

Q Now, isn't it a fact that all executions and hangings, in the outcamps of Dora the prisoners were sent to Dora for execution, do you know that?

A The men that had to be shot, they were shot in the same camp, but the men that had to be hanged, they had to be sent to Dora.

Q Didn't you say yesterday that you saw Brinkmann hang 3 Slovaks in Ellrich?

A That was 4 weeks before the liberation -- about 6 weeks before the liberation.

Q Did they have a gallows at Ellrich?

A You didn't need a gallow; you needed two pieces of wood or a tree and put on a rope and a stool and you hanged the people.

Q Now, the dead bodies at Ellrich were kept in a place behind the dispensary, isn't that so?

A Yes, they were in boxes down there.

Q Now, you testified to several beatings which occurred at

Ellrich and you said that the people were taken to where the bodies were kept. Now, did you see these bodies or did you go with the bodies all the way to where they were deposited?

A No, I didn't went with them; I saw when they were carried down.

Q In other words, you saw that they were being carried in the direction of the dispensary, isn't that so?

A No, it was close -- the dispensary was closed to the roll call place.

Q Did you see that these people that were beaten were carried in the direction of the dispensary? Is that right?

A Yes, that is true.

Q And you never saw them again, is that right?

A A dead body you couldn't see again.

Q And you left camp shortly thereafter, did you not?

A A couple of weeks later I was sent on a transport to Bergen-Belsen.

DEFENSE COUNSEL: No further questions.

REDIRECT EXAMINATION

QUESTIONS BY LIEUTENANT JONES:

Q Do you know a Jewish holiday called Chanukah?

A Yes.

Q What time of the year is that holiday?

A The beginning of the winter.

Q What month?

PRESIDENT: Will you ask the witness to speak so that the court may hear him?

Q Normally, what month does Chanukah come in?

A About in November; the middle of November.

QUESTIONS BY PROSECUTION:

Q Did you go to Ellrich before Chanukah in the year 1944 or after

Chanukah in the year 1944?

A Before.

Q How long before -- as near as you can remember?

A It could be a month before Chanukah.

PROSECUTION: Nothing further.

DEFENSE COUNSEL: The defense has nothing further.

PRESIDENT: There are no questions by the court.

PROSECUTION: The prosecution requests that this witness be permanently excused.

DEFENSE COUNSEL: No objection.

PRESIDENT: The witness may be permanently excused.

(Whereupon the witness was excused and withdrew.)

ROMUALD BAK, called as a witness by the prosecution, being first duly sworn, took the stand and testified through a Polish interpreter as follows:

(Whereupon the proceedings were translated into the German language.)

DIRECT EXAMINATION

QUESTIONS BY CAPTAIN McGARRY:

Q State your full name, age, occupation, and residence.

A Romuald Bak, born the 14th of March 1913; telephone technician; living in Brunswick, Germany.

Q What is your nationality?

A Polish.

Q Were you ever an inmate of a concentration camp?

A Yes, I came into a concentration camp during the insurrection in Warsaw.

Q What concentration camps have you been in?

A At first I came to Auschwitz, Birkenau; after two weeks I came to Buchenwald; then after a month I came to the out-detail Rottleberode.

Q When were you at Auschwitz?

A We were brought to Auschwitz on the 18th of September 1944.

Q When did you leave Auschwitz for Buchenwald?

A After about two weeks; I do not remember the exact date.

Q And when did you leave Buchenwald for Rottleberode?

A I stayed in Buchenwald for about a month, so I left Buchenwald at the beginning of November 1944.

Q And how long were you at Rottleberode? From when to when?

A I was in Rottleberode from the beginning of November 1944 until the 4th of April 1945. That means until the evacuation of Rottleberode.

Q Mr. Bak, I would like you to look around the courtroom and point out to me any men whom you recognize from Rottleberode. Would you please stand up and approach the prisoners' dock?

(Whereupon the witness approached the prisoners' dock.)

Q Please go closer and point directly at the man and tell me his name.

A (Indicating) This is the camp commander of Rottleberode Brauny.

CAPTAIN McGARRY: Let the record show that the witness has identified the accused Brauny wearing the placard Number 2.

Please go closer.

A (Indicating) Paul Maischein was SS physician in Rottleberode.

CAPTAIN McGARRY: If the court please, would you please direct the accused Maischein to turn his placard?

Let the record indicate that the witness has identified the accused Maischein wearing the placard Number 12.

A (Indicating) This is Walter Ulbricht, clerk from Rottleberode.

CAPTAIN McGARRY: Let the record show that the witness has identified the accused Ulbricht wearing the placard Number 17.

Q Mr. Bak, what can you tell the court about the accused Brauny?

A I know that Brauny behaved especially maliciously against the Jews.

Q In what way did he behave maliciously against the Jews?

A I saw myself Brauny beating Jews. I saw others beating Jews in

the presence of Brauny.

Q How often did you see Brauny beat Jews?

A I myself didn't see it very often because I worked all the time and was in the camp on Sundays in the afternoon only, but I saw several times beating and kicking. On the other hand, I heard very often about his beating and besides I saw very often that he beat inmates.

Q Mr. Bak, did you ever hear of a detail called Stampeda?

A Detail Stampeda was a sub-detail of Rottleberode. Mostly Jews were employed there. From there came the worst news about beating and killing of Jews either by Brauny himself or in his presence.

Q What methods were used to beat and kill the Jews at Stampeda?

A Several methods were used there. The Jews were beaten with rubber clubs, with clubs, with sticks. Besides, we heard that the Stampeda Jews, weak Jews, were given cold baths.

Q In what were they given --- In what were the prisoners to take these baths?

A I heard that there was a mountain stream and if they found such a weak Jew they ordered him to go -- to enter this cold stream in order to cool himself down.

Q At what time of the year was this, Mr. Bak?

A The Jews arrived there at the end of January or beginning of February. Anyway, that lasted through the month of February and March until the very end, 1945.

Q After these people were put in the water, were they taken out of the water?

A They told the Jew that he was too warm from work, so he had to cool down in the stream for 10 or 15 minutes, and then they told him that now he is too cool and they gave him 10 or 15 blows with the club in order to get him warm again.

Q Did you ever see or hear what happened to these Jews after they were put in this cold water and taken out and beaten?

A They were simply killed this way.

(BAK-Direct)

Q Did you ever see any of the dead bodies?

A The dead bodies were not brought in the camp where we lived because the mortuary was outside of the camp so we couldn't see the bodies.

Q Did you ever hear that people died as a result of mistreatment?

A Yes, of course.

Q Do you know if Brauny was ever present at these incidents?

A Yes. The Jews told us that Brauny most often came in the company of his deputy, Lampe. Very often both were around.

Q Is there anything else you can tell me about Brauny?

A I can tell about incidents during which Brauny beat people up in the camp.

Q We will come back to that, Mr. Bak. You have identified the accused Ulbricht. What can you tell the court about Ulbricht?

A Ulbricht used to execute the orders of Brauny as far as killings of the Jews in the camp were concerned.

Q In what way would he execute these orders?

A From the very beginning he was extremely vicious with the Jews and he used all kinds of methods in order to finish off the Jews.

Q Tell the court about some of Ulbricht's methods to kill off the Jews?

A 450 Jews arrived. 400 of them were employed as simple workers. The rest of the 50 were to be employed as specialists in the Thyra plant which produced planes. During the first two weeks the plant protecting service leader didn't want to let the 50 specialists into the factory. Those 50 Jews remained all this time at the block. They were employed on different errands and work within the camp. It was done this way. The Jews were called to line up in front of the building and then led down from the second floor, lined up and then one or two or more of them were picked out. Then the Jews were ordered to go back to their billets on the second floor, and when they arrived there they were called back down again. One or two

or more of them were picked out for some kind of work, for instance, to carry coal or potatoes, and this lasted the whole day from morning until the evening.

Q Mr. Bak, who lined these 50 Jews up and gave them the orders to run up and down the stairs?

A In the first place, it was ordered and supervised by the clerk, Ulbricht, then the capos and room eldests and so forth did it and in his presence Ulbricht laughed.

Q Mr. Bak, do you know what happened to the 400 unskilled laborers among these Jews?

A Those Jews lived on the ground floor. I know that they had very often roll calls during the night where they lined up in shirts only and without shoes. It was during the winter and the snow. All the time beatings occurred there.

Q Well, who did the beating?

A The clerk, then the orderlies, anyway the clerk knew everything about it.

Q And what is the clerk's name?

A Ulbricht. No Jew was allowed to go to the third floor to the store room to exchange a shoe or a part of his clothes.

Q Who didn't allow them to go into the third floor?

A Theoretically, they were allowed to go there, however, if Ulbricht was there and saw a Jew the Jew had to escape because Ulbricht beat and kicked the Jews down the steps.

Q What else can you tell me about Ulbricht?

A One Sunday I saw a small group of inmates who were lined up in order to be brought to work. As it was Sunday, the group was small. One of the Jews of this group fell down on the ground. Thereupon Ulbricht took a rubber stick about this long--

CAPTAIN MC ARRY: Let the record indicate that the witness has indicated a stick approximately 18 inches long.

THE WITNESS: --from a Czech, a so-called prominent inmate. Ulbricht started to beat up with this rubber stick the Jew and told him to go to the dispensary. The Jew got up and fell down again. Ulbricht then started to kick him and beat him with this rubber stick again. The Jew got up again and fell down again and on the way to the entrance of the building, which was a distance of 15 or 20 meters the Jew continuously fell down and so made the way to the entrance of the building. When he mounted the first steps he fell down and fell behind the staircase in a small room between the window and the staircase. There Ulbricht kicked him again. I went to work as usual and I came back about 1 o'clock p.m. I was told by the comrades of this Jew that this Jew was already dead.

Q How far away were you standing at the time Ulbricht was kicking this Jew?

A Approximately as far as from my place to this window, maybe not even this far.

Q Is there anything further you can add about Ulbricht?

DEFENSE COUNSEL: If it please the court, could the record indicate the approximation of that distance?

QUESTIONS BY CAPTAIN MCGARRY:

Q Mr. Bak, can you state that distance you have just indicated in meters?

A It may be up to 10 meters. It was not farther than 10 meters.

Q At the beginning of your examination, Mr. Bak, you stated that Ulbricht carried out Bramny's orders, what were these orders that he carried out?

A I don't know what the orders were, but everybody in the camp or especially the old inmates knew and told me that Ulbricht was reporting everything which happened in the camp to Bramny.

PRESIDENT: Would you repeat the last part of th t answer--I didn't get it?

INTERPRETER: That Ulbricht was reporting about everything which happened in the camp to Braunv.

PRESIDENT: Thank you. The court will recess until 1330.

(Whereupon at 1155 hours the court recessed until 1330 hours.)

* * * *

AFTERNOON SESSION.

(The court reconvened at 1330 hours.)

PRESIDENT: The court will come to order.

CAPT. McGARRY: Let the record indicate that all members of the court are present, all the accused are present; the prosecution is represented by counsel, the defense is represented by counsel, and the court reporter and the interpreters are present. The witness Bak, at the close of the last session, was on direct examination.

ROUMALD BAK, called as a witness by the prosecution, having been previously sworn, resumed the stand and testified further through an interpreter as follows:

PRESIDENT: The witness is reminded he is still under oath.

WITNESS: Yes.

DIRECT EXAMINATION (continued)

QUESTIONS BY CAPT. McGARRY:

Q This morning, Mr. Bak, you testified that the accused Ulbricht would beat Jews when they came to the clothing room on the third floor?

A Yes.

Q Did you see these beatings?

A I saw it several times; I heard about it several times. That means, I heard the beating itself, the cries of the beat people, and besides I heard about the beating from the people who were beaten.

Q How did you have occasion to see these beatings?

A I usually was in the camp Sundays and afternoons, but this time the Jews went to the storeroom in order to exchange shoes and so on. Then they were beaten by Ulbricht whenever he saw them.

Q Could you describe to the court a typical beating by Ulbricht at the clothing store? The general scene?

DEFENSE COUNSEL: I would like to object to that on the ground that the witness has testified he was not an eye witness, and therefore how can he describe it? He said he heard the cries and afterwards heard

about it from the people who were beaten.

CAPT. McGARRY: I believe he testified he saw some of them.

DEFENSE COUNSEL: If that is so, I withdraw my objection. I am sorry.

A On the left side of the staircase which led to the storeroom was the room in which I lived and there was another room at the right side of the staircase. In the room on the right side of the staircase inmates lived. Behind this room there was another smaller room also inhabited by inmates, and behind that was the storeroom in which lived Ulbricht. I saw in the middle room between the inmates' room and between the storeroom, Ulbricht who met the group of Jews there. Ulbricht immediately started to beat them. The Jews escaped in the direction of the staircase. Ulbricht chased them, kicking and beating them, this time with his fist because he had no club or stick with him. When he reached the staircase he pushed the last ones down the staircase sothat the whole group fell down the stairs. At this same time he was laughing. On several other occasions I saw individual Jews beaten and chased by Ulbricht. Whenevers Jew mounted the steps to the third floor he asked in the first place if the clerk is present. If somebody wanted to make a stupid practical joke he told the Jew that the clerk is not present, and then the clerk beat the Jew up.

Q This incident you spoke about Ulbricht throwing the Jewish inmates down the steps, how many steps were there?

A It was a simple staircase which led only in one direction and I think there were about 22 steps.

Q Would these inmates be thrown down to the second floor or down to the first floor?

A I saw only that they were pushed down from the third to the second floor. What happened then I don't know.

Q How many such incidents did you personally observe?

A I am sure I saw more than ten of them. However, I would stress the fact that I was very seldom in the camp and , if so, only for a short time, but every Jew had some trace of the beatings, either blue eyes or wounded arm or something like that.

Q Do you know what happened to these people who were thrown down the stairs?

A No, I don't know. I wasn't interested in that. The beating of the Jews was such a common occurrence in the camp that nobody was particularly interested in that.

Q Could you give the court an estimate of how many times you saw Ulbricht beat inmates, other than these incidents at the clothing store?

A At least ten times.

INTERPRETER: I am afraid the witness didn't understand the question, sir.

CAPT. McGARRY: Would you please repeat the question?

PRESIDENT: Repeat it to him, then.

(The question was reinterpreted by the interpreter.)

A It happened several times that inmates were beaten, besides these incidents at the storeroom.

Q Can you give the court an estimate of how many of these incidents you personally have seen?

A I am sure that it would be not more than ten times, what I have seen, and what I remember right now.

Q How many beatings by Ulbricht have you heard about that you have not seen? That you heard of from other inmates?

A One heard all the time about beatings by Ulbricht. It happened that some times the capo foreman beat the Jews, then the Jews said, in order to compare this capo to Ulbricht, they said: "Well, that is another Ulbricht."

Q Were you ever beaten, yourself?

A Yes, I was beaten by Ulbricht three times; twice it was a general beating, I was beaten with a rubber stick, and once I was beaten by him when I wanted to exchange my shoes.

Q Who else beat in the camp, besides Ulbricht?

A From those I know, Walter Kaunert used to beat, capo from the Thyra plant, a criminal subject also. His first name was Janek. Most of the capos who were criminals, green ones, used to beat, but I don't know their names. In comparison to most decent among them was the lager eldest who was also a green but he beat because he was stupid. If I am not mistaken his first name was Hubert.

Q A moment ago Mr. Bak you said that Ulbricht--I believe two of the beatings were general beatings. What do you mean by general beatings?

A Once I was bringing my coffee from the kettle--it happened inside the kitchen building, it was a Sunday, and some of the inmates fled from Ulbricht. I came into Ulbricht's way and was beaten twice. I still don't know why.

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Q Do you know what Ulbricht's duties were?

A Officially Ulbricht was a camp clerk, but all the inmates warned the Poles that Ulbricht was in the service of the SS and they should be very careful with him. Usually Ulbricht wore a very elegant civilian suit with a white sweater and very very seldom one could see him in the inmates uniform.

Q Do you know what kind of reports Ulbricht kept?

A So far as I know he had to maintain the following reports: About the strength of the inmates in the camp itself; how many of them were assigned to a detail; how many of them were in the dispensary and how many were in the mortuary so as to get the whole strength of the camp. Besides, I know that he went twice, if I am not mistaken, every week with a truck to Dora in order to bring supplies, clothes, etc. In short he was a dictator of the camp.

Q Do you have any idea of how many people died at Rottleberode while you were there?

A This is very hard to tell. However, I heard that from the main camp in Dora the question was asked from Rottleberode why the death rate was so high in Rottleberode. I think there were about five to ten deaths every day.

Q Do you have any idea of the total number of inmates at Rottleberode?

A The highest number of inmates shortly before the evacuation was about 1700. There was a blackboard down in the building on which numbers of the inmates were put.

Shall I describe other cases of beating?

Q Yes, go ahead.

A I remember once when we came back from work our rations were

(Bak-direct)

issued to us. It was, I believe, bread, margarine and some syrup and in the last row there was a friend of mine, a Pole, together with a Russian and a German. They got, together, a loaf of bread as usual and the German cut it into three parts, but the part for the Pole was smaller than it should have been. The Pole started to Argue with the German. At this moment the clerk arrived and beat the Pole up. He hit him with his fists in his face. He wounded him in his nose and in his gums and teeth. The first name of the Pole was Rysiek. At this moment the camp eldest arrived and asked what was going on. This Polish inmate spoke fluent German and explained the situation to the camp eldest and show him his part of the bread. Thereupon the camp eldest took the clerk, who stopped the beating, and they both went back to the block.

In another case a Pole who usually slept in his bunk spent the night somewhere else. When he wanted to come back to his bunk. The night this Pole wasn't present this Russian slept in his bed. This Russian was in good relations with the clerk. This Russian went to the clerk and explained about the Pole. The clerk came back and said to the Pole, "You Polish intelligent." and hit him with his fist in his nose.

Q What was this clerk's name you have been talking about?

A His name was Ulbricht. The Pole who was beaten, the name of the Pole who was beaten was Henry Swistulski. He was a teacher in Silesia.

Q Mr. Bak you identified the accused Maischein. What can you tell the court about Maischein?

A I don't know Maischein very well, but I heard that Maischein forbade the inmate physicians to give any medical help to Jewish inmates at the dispensary.

Q What was Maischein's position in the camp?

A He was--we supposed that he was an SS physician and he was in charge of the dispensary.

(Bak-direct)

Q Do you know what his rank was?

A I don't know very much about SS ranks, anyway he was not an officer. He was an SS NCO. I was eye witness to the following incident: Once a group of Jews came to the dispensary and there was an American negro, a Doctor Johnny Nichols. He asked everyone of them, "Are you a Jew?" If the answer was positive he ordered him to get out.

Q Do you know whether this Johnny Nichols threw the Jews out of the dispensary on his own initiative or whether he was ordered by someone else to do it?

A That was at the time when it was common knowledge in the camp that the SS physician has forbidden to give any medical aid to the Jews.

Q What was the name of this SS physician?

A Maischein.

Q Can you tell the court anything else about Maischein in connection with the dispensary?

A An incident happened there about which the whole camp talked. There was a Pole. His first name was Josiek. This Pole had for a long time--about six to eight weeks--a skin disease. His whole face was covered with skin eruptions. Out of this skin disease erysipelas developed. He was in the dispensary and had a very high fever. I heard this fever reached 41 centigrades. As he became very restless they put him into the mortuary and he stayed there for two days. The whole camp knew Josiek was dead already. But he recovered after these two days and came back into the camp alive. Then I heard from other inmates that it was not the first case that an inmate was put into the mortuary alive.

Of course the clerk must have known about it because he had to put the name of the respective inmates or somebody in the mortuary is dead or some body else is being alive.

(Bak-direct)

Q Who was responsible for this Pole being taken to the mortuary?

A That I cannot tell. I only state a fact, but I think that it was Maischein's responsibility as he was in charge of the dispensary.

Q These other cases which you say you heard about where live inmates were put in the mortuary. Do you know if they also came back to the dispensary?

A No. From what I heard in other cases inmates were involved who were dying already and died in the mortuary. In this case this Pole came out alive and so we knew about it.

Q By that do you mean that inmates were put in the mortuary before they were dead and died there?

A Yes, that is what inmates told me.

Q Do you have anything further to add concerning Maischein?

A As far as his activity in the camp is concerned. As I said before I don't know very much but he was involved in the case of Gardelegen.

Q When did this transport leave for Gardelegen?

A We left Rottleberode on the 4th of April, 1945 in the evening.

Q How many inmates from Rottleberode were on that transport?

A All of the inmates were supposed to go to Dora.

During our March to Dora we met a traffic jam and we had to help with this traffic jam. I suppose it was impossible or too hard to get all the 1700 inmates to Dora so only four hundred of them reached Dora. The rest was directed somewhere else. 400 to 600 may have reached Dora.

Q Do you know if any of the accused present accompanied that transport?

A Braumy was with us who later on became the leader of the whole transport, and so was Maischein.

Q Do you know where Maischein was stationed in the transport--what particular section he was in?

(Bak-direct)

A Maischein was in charge of the dispensary. Afterwards he may have been assigned to something else, but that I do not know.

Q What was done with the sick people in the dispensary when you left Rottleberode on this transport?

A Most probably the same thing what happened to those who were alive. All of them were murdered.

DEFENSE COUNSEL: I would like to make a motion to strike the answer of the witness on the ground that it is a supposition on his part. He said, "Most probably". That is pure speculation on his part as to what happened.

CAPTAIN MCGARRY: The prosecution has no objection to that being striken out.

PRESIDENT: The answer of the witness to the last question will be stricken.

QUESTIONS BY CAPTAIN MCGARRY:

Q By my question Mr. Bak I meant did the sick people from Rottleberode accompany the transport? Were they put on the transport?

A Yes.

Q Now Mr. Bak the transport has picked up people at Dora and you have left Dora. Will you tell the story from there of the transport?

A This is not exactly correct because we didn't pick up anybody. We reached a train in which there were already inmates and we joined this train. We arrived in Dora at 5 o'clock in the morning. At 4 o'clock in the afternoon we boarded the train. There was one covered railroad car for the dispensary. We left the same evening and then our train went in several directions. I couldn't tell which way because we very often came back the same way. Anyway our transport was finished at Mieste.

Q What happened at Mieste?

A We stopped in Mieste for about 2 days. On the 11th of April - before noon we learned from Polish and Russian civilians who lived in Mieste that Americans were already at a distance of 13 kilometers. The commander of the transport, Brauny, spread through his canoes and foremen the news that most probably here at Mieste at the railroad station will be a fight.

PRESIDENT: What was the last word of the last answer?

INTERPRETER STAN FELDMAN: A fight.

A (continued) We were told that all the healthy inmates and all those who could walk should go to a forest which was at a distance of about 2 kilometers. We were supposed to be turned over to the Americans at this place. Of course, all the sick people and all those inmates who couldn't walk could stay in the railroad car. We left Mieste at about 11 or 12 o'clock at noon. No, I am sorry, it must have been about 2 o'clock here because we got for our way three potatoes. About two or three hundred of the sick stayed in Mieste. After we left Mieste we went through the village Mieste and after half an hour we were shot at by American planes. At this time our transport was dispersed. A part of the inmates escaped and came back to the train in Mieste. We met these inmates the same evening; they were waiting for us on the highway; they had been brought there by some military outfits. They told us that all those inmates who stayed in Mieste are dead already; when they came to Mieste these inmates were dead already there.

Q Does that include the sick inmates who were left at Mieste?

A This included all the sick people who were left in the railroad car of the dispensary in Mieste and all these people who were too weak to walk.

Q Continue.

A Instead of these 2 kilometers, we marched until the evening of

the 11th of April through woods and through fields.

Q Mr. Bak, I would like to clear up a point before we go further. What did these people at Wieste die from -- these people whom you said were dead?

A All of them were shot.

Q Continue, and bring your transport down to Gardelegen.

A As I said, we marched until the evening. In the woods some of the inmates tried to escape; they were shot at. Some of them succeeded to escape, among them a friend of mine District Attorney Kozanecki. During the march we were shot at every opportunity. There was, for instance, a group of 10 Russians who were shot on a heap of beets. It happened this way: the Russians, passing on the highway, saw a heap of beets. Since they were very hungry, all of them went to the heap and at the same time the SS opened fire on them. We marched until the evening. The transport was disbanded in the following way: In the evening a military motor bike passed us ----

CAPTAIN McGARRY: If the court please, this will take a -- quite a while to tell. I think this would be a good time to recess.

PRESIDENT: The court will recess for 15 minutes.

(Whereupon the court recessed at 1450 hours.)

* * *

(Whereupon the court reconvened at 1505 hours.)

PRESIDENT: The court will come to order.

CAPTAIN McGARRY: Let the record show that all the members of the court are present, the prosecution is represented by counsel, defense is represented by counsel, all the accused are present, the reporter and the interpreters are present.

The witness Bak is still on direct examination.

PRESIDENT: The witness is reminded he is still under oath.

ROMUALD BAK, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, continued to testify through a Polish interpreter as follows:

(Whereupon the proceedings were translated into the German language.)

DIRECT EXAMINATION (continued)

QUESTIONS BY CAPTAIN McGARRY (continued):

Q At the close of the last session, Mr. Bak, you were describing the transport to Gardelegen and you were up to the point of the disbanding of the transport. Will you continue from there?

A As we were told, this transport was directed in the direction of Stendahl and not Gardelegen. As I said before, a military motor bike with a German officer passed us. After a short while the same motor bike came back and the officer asked us, "In which direction are you going? The Americans are already there in this direction."

Q Well, Mr. Bak, will you describe what happened at Gardelegen itself?

A I wanted to tell that we were taken back from this direction and after a short while we couldn't see any SS guards any more; they were hidden somewhere in the surrounding buildings; and during the night from the 11th or the 12th we were free -- all of us. But we were again organized by the general military outfits, by the Volkssturm, by the Hitler Youth and German administrative units, and were brought to Gardelegen, so that part of those inmates spent the night from the 12th and the 13th in the barracks in Gardelegen. I was free with a group of Poles until the 13th of April about 2 o'clock p.m. On the 13th at about 11 o'clock a.m. two Germans came to the woods where we were in and told us that it was rather dangerous for us to stay in these woods; we should go to the next village, from where we would be brought to Gardelegen. One of those Germans told us that the big camp is being organized at Gardelegen for all these concentration camp inmates who will be turned over in good order to the

Americans today or maybe the next day. At the same time we were told by Polish and Russian civilians that SS men shot concentration camp inmates which were found alone. On the 13th in the morning we saw that ahead an automobile which was giving signals in different tunes all the time ----

Q Mr. Bak, will you tell what happened at Gardelegen--the important things, not all the description leading up to the event?

A I just wanted to tell why we went there.

Q Will you answer my question, please?

A We went with this German to the next village. I think the name of the village was Wipke, and from there we were brought in cars to Gardelegen. When we reached Gardelegen the German guard at the gate of the camp ordered the Germans to get out of our group. Since our group was Polish we had no Germans there. We were brought by two guards to the general group of the inmates who were there already. In my estimation there were about 1,000 of them. These inmates were grouped next to a big barn. We were there next to the barn at about 4 o'clock p.m. on the 15th of April. We stayed there until dusk. We met a lot of inmates we knew and they told us that they were there already since yesterday, the 12th of April, and that they spent the night at the barracks and that some of them got German uniforms. They told us that some of them were brought to Gardelegen by troops, some of them by members of the Hitler Youth, others by civilians, or the Volkssturm. In the evening we were ordered to get up--we were sitting. At this time one gate of the barn was opened and we had to go into the barn. When we entered the barn an incident happened, somebody opened fire with the machine gun, but aiming near to the inmates, not on the inmates. At this same time an American fighter plane flew very low over the barn. The German shouted that this fire was not aimed at the inmates but that the plane has fired. After some mixup all the inmates went into the barn. The floor of the barn was covered with straw. The gate was closed behind us and we went to sleep. I should like to mention that the inmates who spent the night of the 12th in the barracks were told already them that they would have to spend the following night in the barn because there was not enough room in the barracks and the next day they would be turned over to the Americans.

Q. What happened after you were all put in the barn?

A It was dark and wet in the barn. The gate was closed behind us. There was little light through the ventilators. After 20 minutes or a half an hour I saw an eruption of a huge flame. The fire started near to the gate through which we came into the barn, when I looked into this direction I saw a German running out of the barn through this gate and an inmate who was following. When this inmate reached the gate he was already shouting. At this same time fire was opened through this same gate with rifles and machine guns. I heard Poles crying, "There is a fire, let's extinguish it; give us blankets". Somebody else cried, "I smell gasoline". Those who heard the fire threw blankets, overcoats on the fire so that in a few minutes the fire was extinguished. During all this time we were fired upon through the open gate. Shortly afterwards another German ran into the barn. He had something burning in his hand which he threw on the ground and a new fire started. The second fire was extinguished in no time. At this same time I saw that on the other side of the barn--on the opposite side from the one in which this first gate was opened another gate was opened. I don't know if this gate was opened by the Germans from the outside or by the inmates from the inside. At this time I was not far from this gate. The first ones to organize something were the Russians who shouted in Russian, "Let's attack the Germans with knives; let's kill them because otherwise they will kill us". These Russians started to leave the barn through this gate shouting, "Hooray", but they were received by the Germans with machine-gun fire so that immediately a heap of dead bodies was formed in the gate. The Germans saw that they couldn't take care of all of us with the rifle fire because the inmates were hiding themselves behind walls so the Germans started to throw in hand grenades. Then the real massacre began. All over the place fire was burning. The people started to cry, to shout, to yell, ask for help, to curse. All the time there was a fire of rifles and machine-guns from both sides through the gate through which we entered and through the other gate through which we emitted to

escape. It is very hard to describe what happened in the barn. The people were lying in the fire. The asked to be killed. Trying to save myself, I lay down next to one of the closed gates. Out of four gates two were closed, two were opened. Laying there on the ground I was protected by many bodies of those who tried to save themselves, of dead bodies, of wounded bodies; because of the fire of the rifles and machine guns and the hand grenades. The smoke became extremely inconvenient for us. Laying next to the door I could get fresh air through the hole between the ground and the gate. I started to cut the earth in the barn with my knife in order to enlarge the hole as much as possible. This task was not difficult because the floor of the barn consisted of earth. Meanwhile, it was dark already. During this about two hours I was laying there I tried to enlarge the hole. The work was easy within the barn, but it was difficult outside because there was asphalt, so that I had to cut the asphalt with my knife in order to enable myself to go through this hole. All of this time they shouted at us and threw hand grenades at us. There came a time that the hole was big enough to let through my head, only my ears didn't go through. At the same time they threw hand grenades not far from the place I was at. The first explosion pushed the gate out of the barn so that I couldn't go through the hole, but the next explosion pushed the gate back so that at this moment I could freely go through the hole. Through the hole I saw that it was very dark outside, that the whole region around the barn was covered with smoke. There was no moon, the clouds were very low. Three Poles who were nearby crawled through this hole. After having led those three out I went through the hole. It was a difficult job because nobody was there to hold the gate and I had trouble to get out. After several minutes I succeeded. It was so dark that one couldn't see anybody at a distance of two meters, but lying on the ground I could see the silhouettes of moving Germans on the background of the skies.

Q Mr. Bak, just tell us in a few words where you went when you escaped from the barn?

A Four of us left. Two are dead, two are still alive. After my escape from the barn I met some Ukranians who gave me a cap and an overall. They gave me also a shovel and so I could pretend to be a civilian worker. In this disguise I spent the night of the 13th and the day of the 14th, and on the 14th I heard French songs coming out of a shack.

Q How many people were in this barn?

A More than 1600.

Q How many of them died, to your knowledge?

A As far as I know all of them perished with the exception of eleven men.

CAPT. McGARRY: The prosecution has no further questions.

PRESIDENT: The court will recess for fifteen minutes.

(The court recessed at 1550 hours.)

(The court reconvened at 1610 hours.)

PRESIDENT: The court will come to order.

CAPT. McGARRY: Let the record show that all members of the court are present, the prosecution is represented by counsel, the defense is represented by counsel, all of the accused are present, the reporter and the interpreter are present. The witness Bak, at the close of the last session, was beginning on cross examination.

ROUMALD BAK, a witness called by the prosecution, having been previously sworn, resumed the stand and testified further through an interpreter as follows:

PRESIDENT: The witness is reminded he is still under oath.

WITNESS: Yes.

DIRECT EXAMINATION (continued)

QUESTIONS BY CAPT. McGARRY:

Q If the court please, I would like permission to ask one more question on direct examination. Did you see any of the 38 people out

in the road at Gardelegen, near the barn, on April the 13th, 1945?

A Yes, I did.

CApt. McGARRY: Prosecution has no further questions.

CROSS EXAMINATION

QUESTIONS BY DR. AHELMEK (in behalf of the accused Maischein)

Q Mr. Bak, if I understand you correctly, you arrived in Rottleberode the beginning of 1944; is that correct?

A Yes. That is right.

Q When did you see Maischein in Rottleberode for the first time.

A I met and I got to know Maischein somewhere in February 1945, when I was sick.

Q Were you in the dispensary in February 1945 when you were ill?

A No, I came there to be taken care of.

Q And who treated you?

A All three of them. A French physician, a Belgian physician, and also Janek.

Q Do I understand you correctly when you say that three prisoners doctors treated you?

A Yes.

Q Treated the three prisoners, not "you"?

A At the time I saw it, only those three inmate physicians treated inmates.

Q And Maischein personally did not treat any of the prisoners; is that correct?

A I never saw it.

Q How often did you come to the dispensary at that time?

A During three weeks I came there every day.

Q And did you daily always see Maischein there?

A No, I saw Maischein in this period perhaps four or five times.

Q Isn't it a fact that Maischein had his office in the troop

dispensary and only occasionally came into the prisoners' dispensary?

A That I do not know.

Q Did you ever personally hear Gaischein issue the prohibition that Jews were not to be treated?

A No, I heard it from the inmates.

Q Is it a fact that Jews were also living in the dispensary as patients?

A Maybe that was the case but I never heard about it and if there was such a case it must have been a very special one.

Q Isn't it a fact that just the Polish prisoners did not speak very well about the Jewish prisoners?

INTERPRETER FELDMAN: That is a coloquial expression which I cannot translate; it means many things in German.

PRESIDENT: Do you mean you heard doctors say that they did not like them?

DR. AHELMER: Yes.

PRESIDENT: All right.

A That is very hard to tell. I, myself, for instance, in reference of my comrades had very good relations with Jews and if there happened a case of this Janek who didn't like the Jews it was not a Polish question but an individual case. We tried often to influence him but there was no results.

Q Who is this about whom you are just speaking, a certain Janek?

A He was foreman under the capo Kaunert, but I should like to stress the fact that whatever Janek and other Poles did is only a very small per cent of what Ulbricht alone did to the Jews.

Q Did you never hear about the fact that from February 1945 on there were continuously eight Jews lying in the dispensary, even though the dispensary only had a capacity of 24 beds?

A I don't know if that was the case, and I don't think it was the case. But, besides those who were lying in the dispensary, there were a

lot of other Jews who needed medical aid, the first aid, if they were wounded in their arms or their hands or their legs, or somewhere else, and those were thrown out.

Q Wasn't it so that,in general, first aid for the prisoners was given by Janek?

A This is true to a certain degree, because Janek wore a band with the inscription "Auxiliary Doctor" and he received all the people who came to the dispensary.

Q And wasn't it so that it was just Janek who didn't like the Jews who were in Rottleberode?

A I never experienced it myself but if he threw out the Jews from the dispensary he did it by orders.

Q How do you know that he did it on order?

A I was told by old inmates who had good relations with, let us say the camp clerk, or with Johnny and they told us at the camp all about it.

Q If you speak about the clerk you mean the accused Ulbricht, is that correct?

A No, I just wanted to give an example how this news came from persons like the clerk and others and we were then told that in the camp. I believe that news concerning the dispensary had to come out of the dispensary. There were Poles also there who cleaned up the floors or were patients.

Q You spoke about a clerk before. What was the name of this clerk?

A Ulbricht.

Q Was Maischein a superior of Ulbricht?

A Could an inmate be a superior of an SS man?

Q I believe you misunderstood my question. Was Maischein the superior of Ulbricht?

A I think rather not because orders concerning the camp should come from Braune or Lampe. It may be that Maischein sometimes gave a directive to Ulbricht as far as the cleanliness of the camp was concerned or something of the kind because Ulbricht was managing the whole camp.

Q But you personally never heard Maischein issue an order that Jews were not permitted to be treated in the dispensary, is that correct?

A Of course I didn't. I heard it from inmates as a lot of other things.

Q Did you also establish that these things that you heard from others were always the truth?

A It would be difficult to say that everything the inmates said was true, but mostly there was at least a percentage of truth in what they said.

As far as Johnny's removing of Jews of the dispensary is concerned I don't believe he could do it out of his own free will because he would be responsible to Maischein.

Q Did you never hear the dispensary, the prisoner's dispensary was subordinate to an SS doctor who was in Dora?

A That may have been so, but I don't know. In any case I never heard it. Besides I was not interested in it.

Q Have you also heard about the fact that Maischein reported capos and SS people when they beat prisoners?

A I never heard it and it seems to me rather improbable, anybody would do anything about the inmate, more especially an SS man.

Q You spoke about the incident of the Pole Josiek. Did I understand you correctly when you said that Josiek was lying in the hospital with 41 degrees fever?

A So I was told then by inmates.

Q Was it also told you that in his fever Josiek became vicsious and bit other prisoners?

A Well not exactly about biting but I heard that during his fever he went around and became a nuisance.

Q Isn't it a fact that just for this reason Johnny isolated this man and brought him into the room where bodies were kept, which was empty at that time?

A In the first place I don't know if there was anybody else in the mortuary or not because I was lucky enough not to look into the mortuary. Besides I don't know if Johnny could do that on his own. He was only an auxiliary physician and he was not a physician at all. Now Johnny is dead and anything can be put on his account.

Q I ask you once again. Did you never hear that Johnny, due to the condition of this man had him isolated and brought into this room—this Josiek? Please answer my question with yes or no without any comment.

PROSECUTION: I pray the court's judgement as to whether he is going to have to answer that yes or nor.

PRESIDENT: The witness will not be required to answer that question yes or no.

THE WITNESS: I didn't hear that Johnny did it. The only thing I heard was that it was done by orders of Maischein.

Q From whom did you hear this?

A Besides I never heard before in my life that a physician would put a patient with 41 centigrades fever for isolation purposes into a mortuary. Besides the defense counsel claims that this room was empty. Now at least five to ten persons died or were killed every day there and so it would incidentally happen that Joziek was isolated there that this room should be empty.

PRESIDENT: Just a minute please. The witness is advised that he is to confine himself to answering the questions put to him by counsel. Th fact that the court did not require him to answer yes or not does not mean that he is at liberty to express a lot of personal opinions.

PROSECUTION: I would like to pay the court's judgement on that. That was a specific part of his answer and denial that such was the case and that his statement in reference to five or 10 people a day was not argumentative but a part of his answer to the question. The question was "Didn't you hear that he was put in this empty place?" and the man gives three or four reasons. Well I pray the court's judgement. If the court differs the court will so rule.

PRESIDENT: Read the last question and answer.

(Whereupon the reporter read the last question and answer as directed.)

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PROSECUTION: I submit that that is an integral part of his answer and---

PRESIDENT: None has asked that that answer be stricken. It has merely been asked that he answer the question without any unnecessary commentary or explanations.

PROSECUTION: Sir, that is exactly what I had in mind. If I have expressed myself infelicitously I was just afraid that instructions by the court when conveyed to the witness would have the effect of cutting short answers which we would like to have him permitted to give.

DOCTOR AHSNER: I believe that if the prosecutor wishes to have a more detailed answer that he will have the opportunity to ask the questions to that effect.

PROSECUTION: I may be wrong, sir. I didn't mean to start anything, but I was just afraid that the court's instructions might result in the witness cutting short his answers and that otherwise he wouldn't have. That is all I had in my mind.

PRESIDENT: All the court's instructions to the witness were clear and thoroughly understandable and the court furthermore wants them obeyed.

QUESTIONS BY DOCTOR AHSNER:

Q During these days about which we were just speaking did you ever see the mortuary?

A No, the mortuary was outside of the fence and I was not interested in this. Besides I didn't even have the possibility of looking there.

Q Then you also cannot deny that at that time when Josiek was brought there that this room was empty?

A Of course I cannot.

Q Who told you at that time that Josiek was brought into this mortuary on orders of Maischein?

(Bak-cross)

A When we came ack from work and came to the block, let us say at seven o'clock p.m. those inmates who were already there told us that Joziek was in the mortuary. Two days later Joziek left the mortuary and he was alive. Then the people said that Maischein ordered Joziek to be put into the mortuary. It may be that Joziek himself said it.

Q Did you ever hear of anybody who heard personally this order of Maischein's that Joziek was to be brought to the mortuary?

A No, I didn't hear anybody of such kind because I didn't go further into this matter. I just remembered the case and I told it here.

Q Weren't you mistaken when you stated before that the mortuary was outside of the fence?

A I never saw the mortuary myself. I was told that it was outside the fence but I never checked it because my way didn't go along this part of the camp.

Q So you don't know at all where this so-called mortuary was?

A No. I was told that it is somewhere behind a building.

Q On what day did you leave Rottleberode?

A Fourth of April.

Q Isn't it a fact that a part of the transport went to Dora and another part of the transport went in the direction of Stahlberg in an entirely different direction?

A That is right.

Q Isn't it a fact that Maischein went in the direction of Stahlberg and that already after three kilometers he became ill and went to the hospital?

A That I do not know. The dispensary was at Dora because I was one of the first to board a train and as it was raining I went into the covered car and came a foreman and ordered us to get out of the car because this was supposed to be for the dispensary.

PRESIDENT: The court will recess until 0900 tomorrow morning.

(Whereupon the court recessed untill 0900 hours 10 September, 1947.)

MILITARY GOVERNMENT COURT

Vol V Fol 82 Corrected Pages 1438-1497.

CASE RECORD

CASE NO. 000-50-37

*SUMMARY
xxxxxxx EDIATE MILITARY COURT
xxxxxxxxxxxxxx

PLACE Camp Dachau, Germany

DATE September 11, 194 47.

WITNESSES

PROSECUTOR Col. Wm. Berman

DEFENSE COUNSEL Maj. L. Peddada

INTERPRETERS Nelly Singer, Roland Ger-

REPORTERS Dr. F. Frankl. Mabel D. Holt, Peter L. Di-
Curti, Gloria M. Spears, Eunice L.
Hasdorff.

ROMUALD BAK,

JULIUS BOUDA

ACCUSED ARTHUR KURT ANDRAS, et al

ADDRESS _____ SEX _____ AGE _____

	FIRST CHARGE	SECOND CHARGE
PLEAS		
FINDINGS		
PREVIOUS CONVICTIONS		

SENTENCE

IMPRISONMENT (TERM _____
(BEGINNING _____ 194 _____

FINE AMOUNT _____
TO BE PAID BEFORE _____ 194 _____
FURTHER TERM OF _____ IMPRISONMENT

CHARGE SHEET AND RECORD OF TESTIMONY ARE ANNEXED HERETO.

_____
SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY _____

_____

_____
SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

RECORD OF TESTIMONY

in trial of

THE UNITED STATES versus ARTHUR KURT ANDRAE, et al

by

GENERAL MILITARY GOVERNMENT COURT

tried at

CAMP DACHAU, GERMANY BEGINNING 7 AUGUST 1947

10 September 1947

Pages 1438 - 1497

TESTIMONY

WITNESSES	Direct	Cross	Redirect	Recross	Court
ROMUALD BAK		1438	1449	1451 1452	1460 1461
JULIUS BOUDA	1453	1488			

Camp Dachau, Germany

10 September 1947

MORNING SESSION

(Whereupon the court reconvened at 0910 hours.)

PRESIDENT: The court will come to order.

CAPTAIN McGARRY: Let the record show that all members of the court are present, the prosecution is represented by counsel, the defense is represented by counsel, all the accused are present, the interpreters and reporter are present.

At the close of the last session the witness Bak was on cross examination.

PRESIDENT: The witness is reminded he is still under oath.

RONWALD BAK, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, continued to testify through a Polish interpreter as follows:

(Whereupon the proceedings were translated into the German language.)

DR. AHEIMER: Continuation of the cross examination for the accused Waischein.

High court, I was told at the end of the last session that one of my questions was not translated quite correctly. For this reason I would like to repeat two questions.

CROSS EXAMINATION (continued)

QUESTIONS BY DR. AHEIMER (continued):

Q Isn't it a fact, Mr. Bak, that on the 4th of April a part of the transport went to Dora and then to Gardelegen and another part then went in an entirely different direction -- in the direction of Stahlberg?

A That's right.

Q Isn't it a fact that Waischein went along with that part of the transport which went in the direction of Stahlberg and that after a few kilometers he became ill and went into the hospital in Quettlinburg?

A On the 4th of April Waischein was with the dispensary together

with us.

Q When did you see Kaischein for the last time in the year 1945?

A I saw him for the last time when we went through this traffic jam and then at Dora.

Q On what day was this?

A From the 4th to the 5th and the 5th in the morning.

Q And that, on the 5th in the morning, if I understand you correctly, was in Dora itself?

A Yes.

Q Was that in the railroad train or where was that?

A I saw him together with a whole group. There was Johnny and other physicians. Besides, it is pretty hard for me to tell the exact hour and the exact place because that was not important to me at this time.

Q Did the transport, after it left Rottleberode, actually arrive at the railroad station in Dora itself?

A I couldn't tell exactly if it was Dora because when we arrived at the railroad station the inmates who were there already told us that we were at Dora.

Q And was it before this time or after this time that you saw Kaischein for the last time?

A I saw him at the railroad station because the dispensary came later than we did.

Q From this station did you leave in the same railroad car?

A How do you mean "in this same car"? With whom?

Q My question is this way: Did you leave that railroad station on the same train or did you change trains there?

A I still don't understand very well the question. We boarded, all of us, one train.

(BAK-Gross)

Q Did you leave this railroad station about which you were just speaking in the same railroad car in which you arrived or in another railroad car?

A We walked to Dora.

Q And from Dora did you then ride with the railroad train again?

A Not again, but from Dora we boarded the train.

Q Then you went from Rottleberode to Dora on foot?

A Of course.

Q After you left Dora did you see Maischein again?

A It is too hard for me to tell that. I do not remember that. I remember very well the commander because he was all the time around the train. Besides, a normal inmate who was sitting in the car had not the possibility to observe what happened 10 or 13 cars away.

Q If you can't remember whether you saw Maischein or not after Dora, how can you make the statement which you made under direct examination that Maischein was involved in the Gardelegen incident?

A I didn't testify that he was involved in the Gardelegen affair. I only said that I think that he was involved as well as all the other SS men who were on the transport.

Q Isn't it a fact that you stated yesterday that Maischein was involved in the Gardelegen affair?

A I said, after having told about the dispensary and the transport, that probably he was or he is involved in the Gardelegen affair. I know that all the SS men who were on the transport were involved in the shooting at Gardelegen. I know that they have fired at us and shot at all of us, as well as all the SS, the Volkssturm, the Hitler Youth, and all the Germans around there.

Q Do you want to state with this that you know that Maischein was in Gardelegen and fired at the prisoners?

A I said that several times that I couldn't see it because I was sitting in the barn; I had no possibility of observation.

Q Do I understand you correctly that you now want to say that you only assume that Maischein was involved in some way in the Gardelegen affair?

A I said that all the time.

Q But you have no definite points for this?

A I have the point that he was together with us on the transport and that all those who were on the transport shot at us.

Q Do you want to state that until the arrival in Mieste you never saw Maischein again?

A I said it several times already that I saw him for the last time on the 5th in Dora, and we were in Mieste on the 9th, 10th and 11th.

DR. AHEIMER: No further questions.

[redacted]

(BAF-Cross)

QUESTIONS BY DEFENSE COUNSEL:

Q Mr. Bak, in Rottleberode isn't it a fact that you were assigned to a commando Henkelhe?

A Our detail was called the Tira plant, but it may be the same detail because it was a branch of the Heinkel plane plant. The name of the Tira plant was taken from an old lake Tira, a lake which was in the caves in the Hars mountains.

Q Now, this commando detail in which you were employed is approximately seven kilometers from Stampeda, is that correct?

A Maybe a little bit less, maybe six kilometers. It took one hour and ten minutes to go there.

Q And what were your hours of work in this detail in which you were employed?

A I worked only on the day shift from 5 o'clock in the morning until 5 o'clock p.m. On Sundays I worked only until noon but often I worked the whole Sunday.

Q In other words you were in your work at your detail all day for six days a week and most of the day on Sunday, is that correct?

A Yes.

Q Now, these emersions in cold water and beatings that occurred in Stampeda, you can testify to them only from hearsay, is that correct?

A Yes, only what I heard, what the Jews told me, but that was not one Jew who told me that, but all the Jews told everybody about that.

Q Is it not a fact that the Stampeda detail was under the command of Sergeant Lampe?

A That I don't know.

Q You have no way of knowing from your own personal knowledge who was present at any of these emersions or beatings at Stampeda, have you?

A I should have been there but I never was there.

Q Now, you have testified about the accused, Ulbricht. It is a fact that he was a prisoner clerk, was he not?

A Yes.

Q Have you ever heard of a detail called the Hols Commando?

A I have been in several details. One heard sometimes about the Hols Commando.

Q Do you know what the Hols Commando was?

A I don't know exactly. They were employed in chopping wood or cutting timber--I don't know. I was not interested in what the other details worked on.

Q You never heard then that this Hols Commando was supposed to be an extermination detail, did you?

A No.

Q If it had been general knowledge in the camp you would have known about it, isn't that so--I will withdraw that question.

Q Isn't it a fact that laundry and clothing and shoes were not exchanged on Sundays at Rottleberode?

A Yes, they were exchanged on Sunday.

Q This third floor of the barracks in which you have testified that you saw Ulbricht chase Jews down the stairs, that third floor was forbidden to all prisoners, was it not?

A No, nothing of the kind. Everybody could go there, even a Jew, only if he met Ulbricht he was beaten.

Q Isn't it a fact that in this third floor the exchange of clothing and laundry was made?

A Yes, in the store room.

Q And isn't it a fact that there were prescribed times and hours for such exchange, and that all other hours and times prisoners were supposed to stay away?

A Not that I know of. On the third floor there were inmates normally living.

Q What nationality were the inmates who were living on the third floor?

A All kinds of nationalities--Poles, Russians, Czechs, Frenchmen, Dutchmen, Belgians, Norwegians.

Q Were there any Jews living in the third floor that you know of?

A Jews who were employed in the Tira plant lived on the third floor but not on the left side where I lived.

Q It is a fact, is it not, that the people living on the third floor, the prisoners living on the third floor could go to their sleeping quarters without passing by or near the clothing store?

A On the right side there was at first a larger room, as I said before, then a smaller room, and at the end was the store room.

Q Yes, but the stairway led directly into the sleeping hall, did it not?

A Yes. It was a sleeping room and at the same time a dining room and a living room.

Q Now, you have testified as to an incident in which Ulbricht beat an inmate, a Pole, I believe--I will withdraw that--I don't know his nationality--I don't know the question. You have testified as to an incident when a fellow didn't receive the proper share of bread and there was an argument about it and Ulbricht beat this prisoner. Do you recall that?

A Yes. I was an eyewitness of the incident.

Q I believe that you testified that on that occasion Ulbricht beat him about the mouth so that the man had his teeth broken. Isn't that so?

A No. I only said that he was bleeding from his teeth.

Q Did you know the prisoner, Richard Sonraven?

A I knew a Richard--I know now that he is Sohraven. He was in the store room, but he was very seldom here. I know that nobody had anything

against him.

Q Do you know whether or not he was a Jew?

A As far as I knew he was a German.

Q Do you recall what kind of a triangle he wore?

A No, it is very hard to tell.

Q Did you know the French Doctor Maestroy?

A There was a French physician. His first name was Robert, but I didn't know his last name.

Q And did you know another French physician by the name of Robert Gendo?

A No, I didn't know, and I don't know the last names. I know that there was a French physician whose first name was Robert.

Q Do you know or did you ever hear that Ulbricht saved their lives?

A No, I do not know.

Q Now, you testified that when Ulbricht chased these Jews down the stairs he was laughing, is that correct?

A Yes, of course.

Q Isn't it a fact that he was just scaring them away from that clothing store so that they would not get into serious trouble if they were seen there?

A With what was he supposed to scare them, with laughs or with a stick?

Q Did you not testify that on that occasion he had no stick there?

A At which time--there were so many times?

Q I was speaking of the incident where he chased those Jews downstairs from the third floor where the clothing room was.

A During this incident I described he met them not being incidentally in possession of a stick, but there were so many other incidents.

Q Did you know a camp eldest by the name of Hagen?

A I don't know his last name. As far as I remember the first name of our camp eldest was Hubert.

Q Let's get on the subject now of this transport in which you were in, Mr. Bak. You recall you stated that certain inmates or prisoners were left back in Mieste?

A Yes.

Q You heard at a later time that they were dead and that they had been shot, is that right?

A Yes. We were told by those inmates who went back to the train, and then they were brought back to us by other Germans.

Q Now, did these inmates also tell you that at Mieste they had had an air raid and that allied planes had strafed these prisoners?

A No. Our transport was strafed. We dispersed at this time and some of the inmates fled back to the train.

Q You may have misunderstood my question. I am speaking about an air raid on the people who were left behind at Mieste.

A There was no air raid at Mieste. The Germans most probably made the air raid, shot them to death. I wanted to tell that they went there and shot there.

Q Well, you don't know whether there was an air raid or not while you were away, do you?

A We marched for about 20 minutes to half an hour from the train so that during the air raid we could see the planes and could observe if there was any air raid on Mieste, and the air raid was directed only against us as a big group of men.

Q How far from Mieste did you go?

A How far can you go in half an hour with such a transport--well perhaps two kilometers--we only went through the buildings of the locality, Mieste.

Q How soon after you left Mieste were these people supposed to have been shot according to what you heard?

A When those who escaped from our transport came to the train they found all those inmates dead already.

Q And how long was that after you had left Mieste?

A Well, we walked for half an hour, then they came to the air raid and all this hub-bub which could have lasted about a half hour, and let's assume it took them half an hour to go back to the train, so altogether it was one and a half hours.

Q And in the time when you intervened during this one and a half hours approximately there was an air raid with strafing in the immediate vicinity of Mieste, is that not so?

A After we left Mieste after half an hour we had already the air raid.

Q Now, Brauny was with you during this air raid, isn't that so--that is, with your column during this air raid?

A I didn't see Brauny in the column during the air raid but I saw him when we left Mieste because he gave orders then.

Q In other words, you don't know where Brauny was during this air raid, isn't that right?

A I don't know at this moment.

Q Now, on the 11th of April you were set free, isn't that a fact?

A Well, it was not exactly a liberation, the SS men from the transport ran away.

Q So that the SS men who started out from Rottleberode with you were dispersed on the 11th, is that so?

A Yes. They were dispersed the 11th of this month.

Q You were later rounded up by--I will withdraw the question.

PRESIDENT: The court will recess for 20 minutes.

(Whereupon the court recessed at 1000 hours.)

* * *

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present, prosecution is represented by counsel, defense is represented by counsel, all of the accused are present, the interpreter and the reporter are present. At the close of the last session the witness Bak was undergoing cross examination.

ROMUALD BAK, called as a witness by the prosecution, having been previously sworn, resumed the stand and testified further through an interpreter as follows:

PRESIDENT: The witness is reminded he is still under oath.

WITNESS: Yes.

CROSS EXAMINATION (continued)

QUESTIONS BY DEFENSE COUNSEL

Q Mr. Bak, at the close of the last session I asked you the question whether or not on the 11th of April you had been set free. I now wish to ask you the further question, isn't it a fact that you were again rounded up by a group composed of Wehrmacht and Hitler Youth and Volksturm.

A I was with a group of 81 poles. We went out of the woods because of civilian German and then we went to Gardelegan absolutely free on four horse cars. We arrived at Gardelegan at about four o'clock p.m., and we stayed until dusk on the field near the barn. And I talked with friends of mine and people I knew and I was told that some of the groups were routed out and brought to Gardelegen by SS men from our transport. Other groups were brought there by Hitler Youth and soldiers or the Volksturm.

Q Isn't it a fact that among the guards who were guarding the prisoners at Gardelegan there were some prisoners who had obtained German uniforms?

A Yes, that is right.

Q And is it not a fact that among the guards at Gardelegan there were Wehrmacht soldiers?

A Yes.

Q Is it not a fact that among the guards at Gardelegan there were Luftwaffe or paratroop soldiers?

A I believe from the Luftwaffe.

Q Is it not a fact that among the guards at Gardelegan there were Volksturm?

A That is sure, but they must have had uniforms.

Q Now the group of prisoners at Gardelegan was composed not only of people from your transport but also of prisoners from other transports, isn't that so?

A That I cannot tell. I think from our transport. No, I am sorry; probably there was another group, because we met one such group, but this group was small.

Q So is it not a fact that there were SS men from other transports, other than your own transport, present in the vicinity of Gardelegan?

A They must have been in the vicinity, because when we saw another group from another transport there must have been SS men with that other group.

DEFENSE COUNSEL: No further questions.

REDIRECT EXAMINATION

QUESTIONS BY CAPT. McGARRY

Q Do you recall the names of any SS people from Rottleberode that you saw in Gardelegan or in the vicinity?

A I saw a group of SS men from our transport among the SS men from Rottleberode in Gardelegan in front of the barracks. Among them I recognized, and remembered the names of Teply and Hack, who are present here.

Q What day did you see these SS men at Gardelegan?

A I saw them on the 13th of April. That means on the day we arrived at Gardelegan and were murdered.

CAPT. McGARRY: The prosecution has no further questions.

DEFENSE COUNSEL: Defense has none.

EXAMINATION BY THE COURT

QUESTIONS BY THE PRESIDENT

Q Mr. Bak, when and where in April 1945 was the last time you saw the accused Brauny?

A I saw Brauny on the 11th of April 1945 at noon when our transport left the train. Then I saw him this same day before the evening, when we marched on the highway and he was standing there with a group and was kind of reviewing the column. It was a small group, three or four men.

PRESIDENT: If there was a geographical location given, it was not translated. Did the witness say "at Miaste"?

INTERPRETER FELDMAN: As I remember, the witness said "at Miaste".

Q Was it at Miaste when you saw Brauny the last time in 1945?

A No, for the last time I saw him more than ten kilometers from Miaste in the evening of the 11th.

Q Mr. Bak, when and where was the last time you saw the accused Ulbricht? I am speaking of April 1945.

A I saw him for the last time on the 13th of April in Rottleberode when our transport left Rottleberode. I did not see him on the transport there.

QUESTIONS BY COL. BENSON

Q Mr. Bak, you state that one Sunday you witnessed Ulbricht beating a Jew that had fallen down on the rollcall square. Do you know what caused this Jew to fall down the first time?

A He fell down because of weakness.

QUESTIONS BY COL. THOMAS

Q A few moments ago you mentioned the names of two SS men that you recognized just prior to this massacre. I believe the names were

A I saw them on the 13th of April. That means on the day we arrived at Gardelegan and were murdered.

CAPT. McGARRY: The prosecution has no further questions.

DEFENSE COUNSEL: Defense has none.

EXAMINATION BY THE COURT

QUESTIONS BY THE PRESIDENT

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INTERPRETER FELDMAN: As I remember, the witness said "at Mieste".

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A No, for the last time I saw him more than ten kilometers from Mieste in the evening of the 11th.

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A He fell down because of weakness.

QUESTIONS BY COL. THOMAS

Q A few moments ago you mentioned the names of two SS men that you recognized just prior to this massacre. I believe the names were

Tepley and Hack, and you said that they were present here. Do you mean by that that they are in the dock?

A No; I saw their pictures here and they are in Dachau.

PRESIDENT: There are no further questions by the court.

RECROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL

Q You testified, Mr. Bak, in answer to a question by the court, that the last time you saw the accused Brauny was on the evening of the 11th. After you saw Brauny you have testified that your SS guards were all dispersed and you were all free. Is not that so?

A Yes, until we were not concentrated again.

Q You have also testified, in answer to a question by the court, that the Jew who fell down in the rollcall square had fallen from weakness. Isn't it a fact that that particular Jew suffered from heart failure?

A I do not know, he looked like a complete musselman. In the camp language that means a fellow who is unable to walk by himself.

Q You have previously testified that when you returned at one p.m. that afternoon you heard that he had died. Isn't it a fact that he died as a result of his illness and weakness and not as a result of a beating?

A I didn't hear and I didn't say that he was dead. I said only and I added that he was already in the mortuary.

DEFENSE COUNSEL: No further questions.

PROSECUTION: May this witness be permanently excused?

EXAMINATION BY THE COURT

QUESTIONS BY COL. THOMAS

Q In reference to that last answer, do you mean by that that he was dead, or that he was confined in the mortuary?

A That he was dead already.

RECROSS EXAMINATION

(Bak - count)

QUESTIONS BY DEFENSE COUNSEL

Q Well, in that case I would like to ask you a further question, to answer my first question. Namely: Did you know that he died as a result of sickness and heart failure, and not as a result of beating?

A As I was told by the Jews, he was just killed by the clerk.

Q You, yourself, do not know the actual cause of his death? Is that right?

A I don't know the cause of his death but out of my experience I believe that he was beat to death. Because, if you kick a sick man lying on the ground several times, then you must kill him.

DEFENSE COUNSEL: I would like to make a motion to strike the last part of the witness' answer, on the ground that it is a piece of speculation on his part and a pure conclusion on his part as to the cause of death.

PROSECUTION: The answer was invited by the question.

PRESIDENT: Motion denied. The witness' answer will remain in the record.

PROSECUTION: May this witness be permanently excused.

PRESIDENT: Does the defense have any objections?

DEFENSE COUNSEL: None.

PRESIDENT: The witness will be permanently excused.

(Whereupon the witness was excused and withdrew.)

PRESIDENT: The court will be in order.

PROSECUTION: The prosecution calls as its next witness Julius Bouda.

JULIUS BOUDA, called as a witness by the prosecution, being first duly sworn, took the stand and testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION:

Q State your full name please?

A Julius Bouda.

Q Where do you live?

A Loyny, Czechoslovakia.

Q What is your nationality?

A Czechoslovakian.

Q Your age?

A 35 years old.

Q Your occupation is what?

A Masseur.

Q Were you ever a prisoner in a concentration camp?

A Yes.

Q Which one?

A In Buchenwald and Dora.

Q When did you come to Dora?

A In January, 1944.

Q How long did you stay in Dora?

A Until April 1945. Until the evacuation.

Q Were you during all that period of time in Dora itself?

A Yes.

Q What was your work while you were at Dora?

A I was employed with the camp commandant as a masseur.

Q How long did you continue in that work?

A From January , 1944 until November, 1944 when I was arrested by the Gestapo.

Q Where did the Gestapo put you?

A To Nordhausen.

Q Where were you in Nordhausen?

A Two months in the bunker.

Q When did you leave the bunker at Nordhausen?

A On the 31st of December, 1944. I was taken from the bunker to the dispensary because I had been severely injured. I had a lung which had been broken off.

Q Which hospital were you taken to?

A To the prisoner's dispensary in Dora.

Q How long were you in that dispensary in Dora?

A Until the end of January, 1945.

Q Where did you go after that?

A Back to the bunker in Dora.

Q When did you leave the bunker in Dora?

A Approximately during the evacuation of the camp. Approximately on the 6th or 7th of April. At that time the entire bunker was transferred to Bergen-Belsen.

Q Now during the course of your stay in Dora you came to know certain of the SS and other people there did you not?

A Yes.

Q Was Foerschner the only man whom you massaged or did you massage other SS personnel?

(Bouda-direct)

A He wasn't the only one.

Q Did you ever massage any civilians connected in some way with Dora or the tunnels at Dora?

A Yes.

Q Did you ever do anything besides massage them?

A When I was not occupied with massaging them I had to go to the clothing supply room in order to sort out the laundry for the SS.

Q Now will you look around the room and tell the court if there are any people here whom you met at Dora? Name them one at a time and if necessary get up from your chair and walk around the room.

A Kilian.

PROSECUTION: Let the record show that the witness has identified the accused Kilian wearing placard number 10.

A Jacobi.

PROSECUTION: Let the record show that the witness has identified the accused Jacobi wearing placard number 9.

A Buehring.

PROSECUTION: Let the record show that the witness has identified the accused Buehring wearing placard number 4.

A Detmers.

PROSECUTION: Let the record show that the witness has identified the accused Detmers wearing placard number 8.

A I don't know him. (Indicating) I know him from Belsen. I don't remember his name at the moment. Oh yes! Now I remember. It was Helbig.

PROSECUTION: Let the record show that the witness has identified the accused Helbig wearing placard number 8.

A I don't know him. (Indicating) Camp leader Moeser.

PROSECUTION: Let the record show that the witness has identified the accused Moeser wearing placard number 13.

A Brauny.

PROSECUTION: Let the record show that the witness has

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identified the accused Brauny wearing placard number 2.

A Maischein.

PROSECUTION: Let the record show that the witness has identified the accused Maischein wearing placard number 12.

A I don't know him. (Indicating) I don't know him as well. (Indicating) Technical Sergeant Koenig.

PROSECUTION: Let the record show that the witness has identified the accused Koenig wearing placard number 11.

A Brinkmann.

PROSECUTION: Let the record show that the witness has identified the accused Brinkmann wearing placard number 3.

A He seems to me to be Simon. (Indicating)

PROSECUTION: Let the record show that the witness has identified the accused Simon wearing placard number 16.

A I don't know him. (Indicating) Director Rickhey.

PROSECUTION: Let the record show that the witness has identified the accused Rickhey wearing placard number 14.

A Walenta.

PROSECUTION: Let the record show that the witness has identified the accused Walenta wearing placard number 18.

A Zwiener.

PROSECUTION: Let the record show that the witness has identified the accused Zwiener wearing placard number 19.

Q Now you have identified the accused Detmers. Will yo tell the court what you know about Detmers? In the first place, how long did you know Detmers?

A I got to know him in March, 1944 when he also needed me as a masseur.

Q Until how long did you know him?

A Until the beginning of November. Until I was arrested by the Security Service.

(Beuda-direct)

pld-216-5

Q How often would youssé Detmers?

A I saw him daily.

Q Where?

A I saw him downstairs where he had his office in the beginning.

Q Where else did you see him?

A Then I saw him upstairs where he had his apartment and his private office.

Q Now tell the court what you know about Detmers, what you saw and what you heard?

A I can only say that he personally did nothing to me, but even on my heart it is written how happy he was when he was present at executions and once I was called by SS Technical Sergeant Fickert, to the orderly room. He told me I should wait, I would have to manicure his hands.

Q Who told you that?

A SS Technical Sergeant Fickert. That was one morning in the summer. While I was waiting until he had finished his affairs there was another SS man there.

Q What was his name?

A It was a small Roumanian--a raw person.

Q Go ahead and tell the rest.

A SS Technical Sergeant Knittler came along and brought two young Russian prisoners. The first thing that Knittler asked, "Is SS Captain Detmers present?" He had a typewritten list in his hand. Fickert replied, "Yes, he is in his office." The two Russians remained with me in this part of the orderly room with their faces turned toward the wall and Knittler immediately went into Detmer's room and remaind there about 20 minutes. When he came back he ordered Fickert to put handcuffs on the two prisoners. In the meantime SS Master Sergeant Brom arrived. Knittler said to Brom,

(Boudasdirect)

pld-216-8

"Go immediately to the Holzhoff, wood courtyard." These words were clear to everybody. When it was said, "To the courtyard" it meant an immediate hanging.

Q I believe you said that a typewritten piece of paper was brought to this office by Fickert, is that correct? Or who brought it there?

A Knittler brought it.

Q What happened to that piece of paper when Knittler brought it there?

A This list I saw on the desk of the commandant.

Q Who was the commandant?

A Commandant Foerschner. He was an SS Major.

Q Let us get this thing straight. What office were you in when this thing happened?

A That was downstairs in the duty room of the roll call leader. Fickert was there in the duty room of the roll call leader. Fickert was there. He happened to be on duty, but they changed.

Q Who brought this typewritten sheet there?

A Knittler.

Q What did Knittler do with it?

A He went into the room of the SS Captain Detmers.

Q When did you next see the same piece of paper?

A That was upstairs in the private office of Foerschner when I had to be up there. There I had the opportunity to look through these lists quietly and I did it so that I would be able to use this testimony in court sometime later.

Q What did that list say? What was written on that list?

A On this list was statedthat the two Russians, Nickolei Kratschuwak and Mischka, his last name I can't remember, are placed at the disposal

(Bouda-direct)

of the court officer Detmers for sabotage in the tunnel.

Q By whom was that signed?

A By director Rindfeld. There was one signature there.

Q What did Detmers have to do with all this?

A There was a further list with a copy attached. These two Russians were to be executed for sabotage. That was signed by Detmers.

Q How do you know that that piece of paper and those two names you are talking about apply to these two Russians you saw?

A These two Russians were hanged and these names Nickolei Kratschuwak and Misoka.

Q How do you know that these two Russians that had these two names were the same two Russians you saw that day?

A When in the evening I came back from my detail I immediately went to the orderly room and I asked the capo of the Work Statistics Ludwig Szymcak if they had received a report about the execution of Nickolei and Misehka. He replied, "Yes, the clothing of these two has already been returned for disenfecting."

Q Whose office were you in when Knittler came in with the paper?

A That was the roll call room.

Q Who was the roll call leader at that time?

A Knittler was the roll call leader but Fickert was representing him.

Q How far was that from Detmer's office?

A To get into Detmer's office one had to go out into the corridor.

Q What else can you tell the court about Detmers?

A I found it very unpleasant that he used me, a prisoner, as the masseur for his sweetheart.

Q Well let us come down to serious business. What can you tell the

court about Detmers? How he carried on his job, how he acted towards the prisoners and things of that kind?

A He conducted himself very roughly. It is known to me that he once had the Reichs German assembled.

Q Let us stop that for a minute. Did you ever personally see Detmers sign any papers such as the one you saw with his signature in his office?

DEFENSE COUNSEL: I am going to object to that on the ground that it is leading and suggestive and putting testimony into the mouth of the witness.

PRESIDENT: The objection is sustained. The witness will not answer the question.

Q This paper which you saw signed which you said ordered the execution of these two Russians -- did you ever see such a paper personally signed by anyone?

A Yes.

Q By whom did you personally see such papers signed?

A Detmers.

Q Where?

A When he came up to the commandant Foerschner. Just as I was manicuring the hands of the commandant, Detmers brought a leather file folder just at this moment and reported to the commandant that sabotage had taken place in the tunnel and that this should be punished without consideration with death, for which he would be responsible, and he presented this book for his signature; whereupon the commandant signed on the left on the bottom and Detmers signed on the righthand side. The commandant thereupon replied to him that he was quite excited that these people were continuously hanged because there weren't enough left to do the work. One copy remained with the commandant.

Q How many copies were there?

A There were several copies; one remained with the commandant.

Q Do you know what happened to the other copies?

A Detmers took those along.

Q Can you give the court the date when this episode with the two young Russians took place?

A I remember that this was in the summer.

Q Of what year?

A 1944.

Q Now, can you give the court the date of this incident when you were present at this conversation between Detmers and Foerschner?

A That was in August in the middle of the week. Approximately

the 10th or the 12th.

Q Now, in addition to these two incidents, can you tell the court anything else about Detmers?

A It was known in the entire camp that he signed execution orders without Berlin knowing anything about it.

Q Were you present in Detmers' living quarters when he conducted official business?

A I was in his private office upstairs where on the table he had the same book.

Q What book?

A This book consisting of a leather file folder.

Q Yes.

A While I was waiting in his -- waiting to give him a massage and he was in the other room I opened this book. I opened the first page of it and on the first page which I saw there was a list of names and "dead," "dead," "dead."

Q Did that first sheet that you saw have anybody's signature on it?

A The signature of the commandant Foerschner and his signature -- Detmers'.

Q Now, my previous question was: Were you ever present in Detmers' living quarters -- his private quarters, not his office -- when he transacted official business?

A In his private living quarters I was not, but I was once downstairs in his office.

Q At the end of the camp you went on a transport, did you not?

A Yes.

Q From where to where?

A From where we were, in Dora, to Bergen-Belsen.

Q Which of the people whom you have recognized here were on that transport?

A Helbig.

Q Anybody else?

A Kilian. An SS Tech Sergeant Deckert who immediately returned, however.

Q I mean only of the people whom you recognized here.

A These two, Kilian and Helbig. These two I remember; there were others, but I don't remember them any more.

Q Now, what happened to some of the people from this transport from Dora when they got to Bergen-Belsen?

A It is known to me that Kilian received a weapon and that he shot the hungry people who tried to steal potatoes and that Helbig did the same.

Q Tell the court what you saw Helbig do -- just exactly what you saw Helbig do.

A It was on the 15th of April 1945 early in the morning; immediately after 8 o'clock we assembled for roll call. The roll call took several minutes. Then the people ran apart to look for something to eat because the people were living from that which they were able to find among the ashes and the dirt. We came to the SS canteen. There were two French Jews, a Russian and a Pole, and myself. The two Jews crawled into the cellar, together with the Russian, and handed us out the potatoes and we took them in our caps. At the moment that I was waiting for the potatoes I saw Helbig as he was running up to us. We ran away from the cellar about 20 meters, and Helbig called through the little window into the cellar out. Thereupon the two French Jews crawled out; each one had several potatoes in his cap. Thereupon Helbig shot them directly into the stomach and the two of them remained lying there.

Q How many times did Helbig fire?

A Each one two shots with the pistol.

Q How far was he from these people whom he shot?

A Three steps.

Q How far away from Helbig were you when Helbig fired these shots?

A 15 to 20 meters.

Q Did you personally see Helbig fire these shots?

A Yes.

Q Did you personally see him point the pistol at these two people?

A I saw it exactly and when Helbig was gone then I carried these two together with other people to the dispensary.

Q Where were they shot?

A In Bergen-Belsen. In Belsen in front of the SS canteen, where -- in front where they stole the potatoes out of the cellar.

Q I mean in what part of the bodies were they hit.

A In the stomach.

Q And what happened to these two people?

A In a corner of the dispensary where all the other people who had been shot by SS men were placed -- they were thrown into that corner.

Q By whom?

A We personally had to carry them away.

Q Do you know whether they were living or dead when you left them there?

A They were dead. Dr. Kurzke determined the death.

PRESIDENT: The court will recess until 1330.

(Whereupon the court recessed at 1155 hours.)

AFTERNOON SESSION

(Whereupon the court reconvened at 1330 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all the members of the court are present; all of the accused are present; the prosecution and the defense are represented by counsel; the reporter and interpreters are present. At the end of the last session the witness, Bouda, was under direct examination.

PRESIDENT: The witness is reminded he is still under oath.

JULIUS BOUDA, called as a witness by the prosecution, resumed the stand, and being reminded that he was still under oath, testified further through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q At the end of the last session you had finished telling the court about two prisoners shot by Helbig. Can you tell the court anything else that you know about Helbig?

A Yes.

Q Will you please go ahead and tell the court?

A Of course. It was in April and it was on the weekend going from Saturday to Sunday, and it was shortly before the camp was occupied by the British when Helbig had about 150 prisoners line up.

Q There were these prisoners from before they came to Bergen-Belsen.

A Some had been in Dora, some had been in some other camps.

Q All right, continue.

A I know one of them. He was a French national, Cegelo.

Q What happened to this man?

DEFENSE COUNSEL: If it please the court, I would like to interpose an objection to this testimony on the grounds that the events that the witness is apparently testifying to occurred in Bergen-Belsen by his own

testimony and that is not covered by the charge sheet. The charge sheet covers the area of Nordhausen and its outcamps.

PROSECUTION: That, may it please the court, is true, but the answer to that is two-fold. In the first instance, if I remember correctly, "at or in the vicinity" has been interpreted to mean any distance within up to 100 miles, by decisions which have governed this court; and additionally that these were prisoners taken from Dora by certain people including the man named, and what happened to them is a continuing act which began in Dora, and the responsibility cannot be terminated by a mere question of a mile or two one way or another. And, furthermore, evidence of what transpired on transports immediately thereafter has been received by these courts irrespective of the distance which the transport travelled from its place of origin. I ask the court's judgment.

DEFENSE COUNSEL: We have no objection to this, but the operation of Bergen-Belsen was a separate and distinct operation of Dora and has been the subject of other trials, as I understand it, and is not an issue in this case, and the acts to which this witness has testified this morning and is now about to testify are entirely independent acts occurring after the arrival and after the transport had terminated. There is not any evidence that any of these people were inmates of Dora.

PROSECUTION: He has just named one man who he said was one. He has named one, this Frenchman, Cegele.

PRESIDENT: The objection is overruled; the prosecution will proceed.

QUESTIONS BY PROSECUTION:

Q: You told the court up to 150, including this French national were taken out of the camp. By whom were they taken out of the camp?

A Helbig.

Q Now, how long about did this thing happen after your arrival in Bergen-Belsen?

A This was on the 14th of April.

Q When did you get to Bergen-Belsen?

A We were evacuated from Dora on the 6th or on the 7th and we arrived on the 8th or 9th in Bergen-Belsen.

Q Now, did the episode about the 150 prisoners take place before the shooting of these two prisoners you testified to or after it, or about the same time?

A I do not recall the date now so exactly after these two years, but I do remember that on the day after we had shot the two Russians, the two inmates, the transport was put together.

Q All right, now tell the court about this transport.

A After the prisoners had lined up they were taken away by Helbig, consequently, none of us knew exactly where they were headed for.

Q Where were they lined up--inside the camp or outside the camp?

A Inside the camp, just in front of the barracks where the bread was given out.

Q All right, what happened to them?

A I recall that out of the 150, only 7 returned; one of those 7 who returned is here now as a witness. They told me that their clothes had been taken away from them.

Q Continue please.

A They told me that outside of this 7, all the others were shot and that the SS took their clothing away from them.

Q What did the SS do with the clothing, if you know?

A I recall exactly that later on some of the SS men were captured. They were trying to hide from the British and when they were captured they were wearing those clothes from the prisoners.

Q Did you see this group march away from the camp or from the assembly place?

A Yes, from the camp.

(Bouda-Direct)

Q Who was the highest ranking man in charge of that group of 150 prisoners?

A The highest ranking man, the leader was Helbig.

Q I would like to go back to Detmers to ask you one more question. Is there anything else that you can tell the court about Detmers that you failed to tell this morning?

A Yes.

Q Please tell it.

A It happened before the Easter holidays of 1944. Detmers had me come to give him a massage. While I was waiting in his private office Master Sergeant or Tech Sergeant Blum arrived and brought two Russians with him.

Q Now, you have told the court about two Russians. Are these the same two Russians or two different Russians?

A Those are different Russians.

Q All right, continue please.

A Detmers asked what would have happened and the man answered Detmers that he had received a report that the two Russians had committed sabotage. The act of sabotage consisted in their making shoes out of some leather. Detmers asked who had reported that those two Russians had committed sabotage, and he replied the French capo, Gegele, the same man who later was on the transport. Detmers shouted at them and yelled and he said that he would have them strung up immediately. He said, "Give me the report, you will be strung up immediately". He signed the report and returned it to Blum. After Detmers had signed the report he got up from the desk and he kicked the two inmates.

Q Which two inmates?

A The two Russians which had been taken into the office by Blum.

Q Did you know what happened to these two Russians?

A Yes, I do. They were hung at 11 o'clock. At that time I just happened to be in the warehouse in order to get some fresh linen from the commander.

Q Where were they hung?

A At the lumberyard.

Q What time was it that Detmers signed the death order?

A Approximately at 8:30.

Q How much time elapsed between the time that Detmers signed these death orders for these two Russians and the time they were hung?

A Approximately two to three hours--two and a half hours.

Q Now, you also recognized the accused, Maischein. When did you first meet Maischein?

A I know him from the SS camp.

Q About when did you first meet him, if you remember?

A In 1944; at that occasion I was called to an SS physician in order to give him a facial, and Maischein at that time was a nurse there.

Q Where did you meet Maischein after that? Just where?

A I saw him daily in the SS camp.

Q Was that Dora?

A Yes.

Q Did you ever meet him at any other place outside of Dora?

A Yes.

Q Where?

A In November '44 in the bunker in Nordhausen.

Q What were you doing in the bunker at Nordhausen at that time?

A On the night from the 3rd to 4th of November '44 I was arrested in Dora by the SD.

Q And that was in the year '44, wasn't it?

A Yes.

Q How long were you in the bunker at Nordhausen when you saw Maisonein there?

A I was already three days approximately in the bunker.

Q With whom did you share your cell in the bunker at Nordhausen on the day you met Maisonein?

A On the night from the 3rd to the fourth I was all alone in my cell.

Q Well, please answer my question.

A On the first day I was by myself, on the second day during the night two men in overalls were brought into my cell.

9-1

Q Who were these two men in overalls?

A At first when they saw me they didn't want to talk to me, because they didn't know who I was.

Q Please, will you ask the witness to listen to my question. What was the nationality of the two people that entered your cell?

A Americans.

Q Did you hear them talking with each other?

A Yes, in English.

Q Did you have some little talk with them yourself?

A Yes.

Q Describe the appearance of these two Americans to the court. Take one at a time, please.

A The first one went to the cell was the younger one of the two. He was approximately 30 to 34 years of age.

Q How was he dressed?

A He was wearing a pair of overalls which are worn either by drivers or by pilots of American army.

Q How was this combination opened or closed?

A With a zipper.

Q Could you see underneath the combination?

A The combination which one man was wearing was not completely closed and I could see a gray shirt underneath.

Q Did you see anything else?

A I could see on his collar that he was wearing a golden bar.

Q What kind of shoes did he have?

A Plain brown shoes without any ornament.

Q Did he have anything on his hands? On his fingers?

A Yes, he had a broad golden ring on his left hand.

Q Describe the ring to the court?

A The ring had a square and it had the initials "U.S.A."

(Benda - direct)

Q Did you subsequently see that same ring on somebody else's hand?

A Yes.

Q Whose hand?

A The camp commander Foerschner.

Q How long after the day you saw these two people did you see the ring on Foerschner's hand?

A That was towards the end of November when he came to see me in the bunker in Mauthausen.

Q About how long was it after the day you first saw this ring?

A Approximately three weeks.

Q How did you happen to see the ring on Foerschner's hand?

A When Foerschner came to see me in my cell he asked me for what reason I had been arrested.

Q Skip the conversation and just describe the circumstances under which you saw the ring?

A When he was standing in front of me he folded his arms and I immediately saw that he was wearing the ring of the American officer.

Q Describe the second of the two men?

A He was tall, strong and healthy looking. He had dark hair. He may have been approximately 44 or 45 years of age.

Q How was he dressed?

A He wore the same combination.

Q Could you see underneath his combination at all?

A Yes, I saw a grey shirt of excellent quality. He wore a yellow round insignia on his collar which resembled a star.

Q Tell the court what you heard and saw with respect to these two men from the time they came to your cell?

A In the beginning they talked to each other in a low tone of voice.

Q What language?

A English. Approximately after an hour he asked me in broken German two words.

Q What were they?

A "German"? And I answered, "Czech". And then he wanted to ask me something else in broken German. It was evidently difficult for him.

Q Which one was talking?

A The older one. But then the guard happened to pass by. Consequently he stopped the talk and after a few moments he asked me, "What is that"? and he pointed to the striped jacket which I was wearing. And I repeated, "Concentration Camp Dora", and he shook his head when he heard that. And then he asked me, "Why are you here?" And I replied, "I don't know", and both sat down on the bunk. They started again talking English to each other in a soft tone of voice. The younger one spoke a little louder and he was evidently nervous and then again it happened that the guard stopped right in front of our door. Then I heard that the elder one said to the younger one, "Shut up" or something like that. I didn't hear it very exactly.

Q Did these people tell you where they had come from?

A I did not speak German very well myself so I asked them in a broken German, "Where do you come from", and he indicated to me through motions that they had come to Germany in an airplane.

Q Did they use any words to indicate that idea?

A I asked them, "Why are you in the bunker?" And he answered, "My head perhaps gone".

Q I asked you what did they say to show that they had been pilots or fliers, besides using signs. Did they use any words?

A They told me in a broken German, "Airplane to Germany".

DEFENSE COUNSEL: Please, could we have the rest of the witness' remarks translated too?

PRESIDENT: Have you interpreted all that the witness said?

INTERPRETER: No, he didn't answer the question.

DEFENSE COUNSEL: If the court please, if the witness answers nonresponsively that is for the court to determine, not for the interpreter.

PRESIDENT: What did he say?

INTERPRETER: I can't remember what he said.

DEFENSE COUNSEL: He said something that had to do with hostages or something like that.

A I asked them, why here in the bunker?"

Q What did they say?

A "We both officers, airplane to Germany."

Q Do you remember any of the English words that they used in speaking, either to themselves or to you?

A I recall that they talked to each other and that they shook hands, and it looked as if they were taking an oath.

Q Repeat some of the words you heard, please. Some of the words you heard. You used the word, "shut up", do you remember any other English words that you heard?

A When they shook each others hands, one said to the other one, "O.K.", but I do not know what that means.

Q Do you remember any other English words that you heard?

A Then they talked to each other very softly for about two hours, but they turned their backs to me and I could not listen, I could not understand anything.

Q All right, then what happened?

A And then they both sat down again on the bunk and I returned to the third tier in order to sleep. It may have been around four a.m. when we heard an automobile. I immediately climbed out of bed and I motioned to them, indicating by gestures, to lift me to the window sill

so I could look out and see who was arriving. I thought that they were coming for us in order to take us to Dora.

Q What made you think that?

A Because I knew that we, our prisoners were sent to Dora for interrogation by Sander.

Q Did you see the automobile?

A Yes; it was a green closed vehicle, frosted glass, with a red cross or some similar insignia.

Q All right. What happened?

A In this moment we heard voices in the hall and those voices were approaching our cell. I stepped into the corner, and I had to make the report, "Cell Number so and so, occupied by three men". While I did that I noticed that one of the men entering the cell was Maischein who, while doing so, smiled cynically. The second one was a high-ranking SS officer.

Q How many came into the cell?

A The SS officer, Maischein, and the industrial guard who happened to be on duty.

Q What happened when they came into the room?

A Maischein said "Those two outside". But the two of them remained standing as if they would not understand and then I pointed at the two and I said to them, "You. You have to leave".

Q What happened?

A They turned around towards me and while they were leaving their last words were, "Good bye". I waited for the moment that the industrial guard would lock the cell and then I climbed again to the third tier of the bed and when I noticed that the guard was not standing behind the door but had left together with the other two men I bent outside of the bed with half of my body in order to be able to look out of the window, and then I heard and I saw how the motor was started and how the head-

lights of the automobile were turned on. A man mounted the vehicle and I saw how Maischein closed the door to the vehicle behind them. The officer took the seat next to the driver, Maischein also was sitting in front and then they took off.

Q Where did the two American fliers go? Did you see them when you looked out of the window?

A I saw them leaving the courtyard in the vehicle. When I came to the dispensary later on because I had been thoroughly beaten up, the capo from the crematory came to see me there.

Q Well, now, wait a minute! Let's stop. When Maischein came into the room with this higher SS officer did he have anything to say in addition to the words you used, "Outside, you two"?

A Yes, he talked to the tall officer; to the German officer.

lights of the automobile were turned on. A man mounted the vehicle and I saw how Maischein closed the door to the vehicle behind them. The officer took the seat next to the driver, Maischein also was sitting in front and then they took off.

Q Where did the two American fliers go? Did you see them when you looked out of the window?

A I saw them leaving the courtyard in the vehicle. When I came to the dispensary later on because I had been thoroughly beaten up, the capo from the crematory came to see me there.

Q Well, now, wait a minute! Let's stop. When Maischein came into the room with this higher SS officer did he have anything to say in addition to the words you used, "Outside, you two"?

A Yes, he talked to the tall officer; to the German officer.

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Q What did he say?

A Those are two pirates and they are two criminals.

Q What else was said between Maischein and this higher SS man?

A Evidently the higher officer was satisfied.

Q Was anything else said?

A Nothing else in the bunker.

Q Was anything said by either Maischein or this higher SS officer to you?

A He pointed to me and he said that I would be a criminal, a bolshevik. In spite of the fact that he knew I was not incarcerated on account of communistic or bolshevistic activities.

Q Who made this statement?

A Maischein.

Q Now you started to tell that you went to a hospital. Where was this hospital?

A That was in Dora. I was taken there in the ambulance for prisoners.

Q Why were you sick? What was wrong with you?

A During those hard interrogations I had been beaten up in such a fashion by Sander that he had me taken to the dispensary.

Q Where did these beatings take place? Did they take place in Dora or in the Bunker in Nordhausen?

A Those were interrogations which I had been subjected to at first in the bunker at Nordhausen.

Q Now did you subsequently hear or find out what happened to these two American pilots who shared your cell in the bunker at Nordhausen?

A Yes.

Q Tell.

(Bouda-direct)

A The capo from the crematory, his first name was Frans, and I knew him personally. He brought me some bread into the dispensary. I was so weak that I could not ask him any questions, but I only asked him one question. I asked if he would know what happened to the two high ranking American officers. He replied, "I know it but I am afraid to tell you." Then I replied that he should not be afraid because I probably would know more than he would and then he replied that he knew that in the night before the Christmas holidays for 19.4 that he had to leave the crematory and that he had to leave the crematory and that he had received the order which a higher SS officer that nobody was to be admitted to the crematory.

Q Did he tell you who this higher SS officer was?

A He mentioned Maischein and he mentioned a lieutenant colonel whose name I don't know.

Q Would you recognize the name if you heard it?

A Yes.

Q I will give you the names of four people and ask you to tell the court if any of these four are the names of the lieutenant colonel whom you say his name was mentioned to you by the capo. Frohne, Sander, Bischoff and Hesser. Are any of these names familiar to you--er Bartha? Are anyone of those names I mentioned familiar to you?

A Bischoff.

Q Do I understand now that your recollection is that the capo mentioned to you that like two names, Maischein and Bischoff, is that correct?

DOCTOR AHRIMER: I object. It is a leading question.

PROSECUTION: He has mentioned the two names, may it please the court.

PRESIDENT: Objection is overruled.

DEFENSE COUNSEL: I would like to enter an objection on different grounds.

PRESIDENT: Is this another objection?

DEFENSE COUNSEL: This is another objection. The witness was given a series of names and asked if he remembered any of those names. The witness remembered one of the names. However, he did not say, nor has he testified that that particular name was the name of the officer who was with the accused Maischein. That idea is being put into his head by his question.

PROSECUTION: That is a valid objection. I will withdraw the question.

QUESTIONS BY THE PROSECUTION:

Q You said before that the capo in talking to you mentioned two people. Can you give the court the names of these two people and their rank?

A One of them was SS Corporal Maischein. The other name was SS Lieutenant Colonel Bishop or Bischtoff or something like that. I don't recall exactly. He spoke terribly fast.

Q Now tell the court exactly what the capo told you happened to these two American flyers?

A He said he had to stand by while the Corporal Maischein and the Lieutenant Colonel were there and they gave him the two combinations.

PRESIDENT: The court will recess for 15 minutes.

(Whereupon at 1445 the court recessed.)

(Whereupon at 1500 the court reconvened.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present; all of the accused are present; the prosecution and defense are represented by counsel; the reporter and interpreter are present.

At the end of the last session the witness Bouda was under direct examination.

PRESIDENT: The witness is reminded that he is still under oath.

JULIUS HOUDA, called as a witness by the prosecution, being duly reminded that he was still under oath, resumed the stand and testified further through an interpreter as follows:

DIRECT EXAMINATION, continued

QUESTIONS BY THE PROSECUTION:

Q At the end of the last session you were telling of a conversation had between the capo and yourself with respect to two American flyers. Will you continue with that conversation?

A The capo told me that the Americans had a black hood on their head.

Q Continue.

A He further asked me to give him my word of honor that I would not discuss with anybody after my return to the bunker anything of that, and that he, if I would discuss this, would be hung for this. He said the man had been cremated.

Q Did he say where?

A In our camp crematory.

Q Did he say by whom?

A He told me that Maischein would have been present and some SD officers.

Q Did you hear anything further about the two combinations?

A He told me that he had hidden them and not burned them.

Q What can you tell the court to show that the two Americans who had shared your cell in the bunker at Nordhausen were the two Americans who were cremated at Dora?

A He told me that all the gold was taken away from the prisoners who were cremated and that the gold that all the dental gold and all the rings which were taken from the Americans were taken to the headquarters office.

(Houda-direct)

Q Whose office was the headquarters office?

A Into the SS camp into his office.

Q What is the name of the man whose office they were taken to?

A Directly to the camp commander.

Q What is the name?

A Foeschner.

Q Anything else you can tell the court about Maischein?

A He further told me that one of the Americans had a golden ring and that Maischein had taken off that golden ring and had turned it in because all the gold had to be delivered to be weighed.

Q Anything else in addition to the story of these two Americans?

A Everybody in the camp knew in that time before I was arrested in November '44 that Maischein did not hesitate to carry out the work and I mean by that to carry out the work of being present during the cremations of pilots.

Q Do you know any details about Maischein that you can tell the court? Not general things, but details?

A He was not bad towards us prisoners in Dora. He never harmed anybody there.

Q You also identified the accused Rickhey. What can you tell the court about Rickhey? When did you first meet Rickhey?

A The first time I met him was in 1944 in Camp Dora.

Q Where?

A The first time I saw him was during a supper party which the camp commander was giving in his house for him and two other officials, high officials, directors. I had to serve at table. I had to carry the food from the kitchen to the house and wait on tables.

Q That supper party was held where?

A In the camp commander's apartment.

Q Whose?

A In the SS camp.

Q How often did you see Rickhey?

A Several times whenever the camp commander called me into his tunnel where he had his private office. I recall that in the beginning he also had his office in the tunnel where the work was done.

Q How many times did you see Rickhey in the camp itself?

A Three times I saw him in the commander's billets when he was there as a guest.

Q Did you see him in the camp on any other occasion in addition to these three times?

A Once during the summer when he was together with an SS Major and the mayor from either Weimar or Nordhausen and when they inspected the camp.

Q Did you ever see Rickhey in any place except the camp?

A In the tunnel in his office.

Q How many times did you see Rickhey in the tunnels?

A Two or three times a week I was called to the tunnel.

Q By whom?

A By the commandant.

Q How many times did you see Rickhey in the tunnel, as best you can remember?

A I might say about 50 times.

Q Where would you see him?

A Very frequently during this time in the office of the commandant.

Q Any other places in the tunnel?

A Also several times in Tunnel 49 in the office.

Q In whose office that was in tunnel 49?

A I know that many times the commandant was issuing orders and

(Bouda-direct)

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sending these orders to tunnel 49 where Rickhey had his office.

Q What were you doing in Rickhey's office?

A Four times I had to carry reports about V-1 and V-2 from the commandant to Rickhey's office and I also was on orders in case Rickhey should request me to give him a manicure or massage to do so.

Q Did you ever manicure or massage Rickhey?

A I didn't give him the massage but I can tell you other interesting things about him.

Q All in due time. What messages were there about weapons that you brought to Rickhey from the camp commander? What were the contents of the messages you brought to Rickhey from the commandant?

A It was a large green envelope and also were reports about weapons

Q Did Rickhey always have his office in the tunnel?

A During the last time he had an office in Ilfeld.

Q Tell the court what you learned about Rickhey based upon your personal observations?

A It was once in 1944 when Director Kuhlman and Director Bergfeld were invited. Rickhey was also present. Also two more civilians. Karl Zimmerman and I, who is also going to be a witness here, had to wait on table. After they had wined and dined well they started to talk and I overheard when Rickhey made the remark that the production was not going at the rate he would like it to go. He said that he had received an order from Berlin according to which the production should be accelerated as much as possible. I remember well that he complained that a lot of sabotage was going on and he said that the camp commander would be responsible for everything which is going on in camp . When I cleaned off the dishes and I returned with the cigarettes and the cigars for the

(Bouda-direct)

commandant and when I returned I overheard these last words which were that he was hoping that sabotage would be punished in the way which he thinks it should be punished. Poerschmer replied to that that he would do everything within his power.

Q "as anything said at that time as towhat this form of punishment should be?

A I know that Rickney said that he had an excellent capo, a Frenchman, who reported all cases of sabotage to him and he further added that sabotage should not be punished with the bunker but should be punished by hanging.

Q Was anything said as to where these hangings should take place?

DEFENSE COUNSEL: Just a minute please. I object to this constant leading of this witness as to what this conversation was. Let the witness testify what he heard without having words put into his mouth. I very strongly object to it. He would obviously agree to whatever the prosecution says he heard.

PROSECUTION: I am not telling him what he heard.

PRESIDENT: The objection is sustained. The witness will not answer the question.

QUESTIONS BY THE PROSECUTION:

Q Can you tell the court anything else about Rickhey?

A Yes.

Q Go ahead.

A About three weeks after this party in the camp commander's billet the French capo Nicholet came to see the camp commander in his office. I happened to be present and I was shining the shoes of the commandant. I told him that the camp commander was down in his office in the tunnel. He asked me to lead him there. Consequently I stopped shining his shoes and went with him into the office. I went down with him into the office of

(Mouda-direct)

the commander. I know if I would not have taken him there I would have been punished.

As I said before, I went with Zicholet to the commander and I reported there inmate number so and so present. The capo Zicholet reported to the camp commander that he had received a report, a complaint about the sabotage which had been committed by five Russians and two Frenchmen of Jewish nationality whose numbers were on this list. For a few minutes he read through the report which the capo Zicholet had brought him and then he said to the capo Zicholet, "Tell Director Rickhey that I am going to have the men punished as severely as possible, that I am going to have them hung." When we left after we had received the order to do so and when we reached the courtyard Zicholet said to me, "This is my job and Director Rickhey's job and I am the righthand man of Director Rickhey."

A few days later when I was in the office of the camp commandant in the tunnel I wanted to return and I was told that this was right now impossible. It was prohibited because that at this very moment sentence was being carried out. Some men were hanged for sabotage. All prisoners had to watch the hanging when those saboteurs were being hung.

I know that in the office of Foesshner the report was turned in that seven of them were hung but in reality it was nine. This sentence was carried out by Kilian.

Q Did you ever see any written reports about sabotage in Foesschner's office?

A On the morning when I was cleaning the office the report was still lying on the desk and that report had been signed by the capo Zicholet and by Rickhey.

Q What report are you talking about?

A The report which the capo had brought from the tunnel where the numbers of the seven inmates were listed.

(Bouda-direct)

Q How you also identified the accused Jacobi?

A Yes.

Q Will you tell the court very briefly what you know about Jacobi?

A I can only say at the time when he was with the detail he beat prisoners with a thick club.

Q Can you tell the court anything about Jacobi except about beatings?

A He didn't do anything to me personally. I only know that he gave a terrific licking to the prisoners who were on his detail.

Q What can you tell the court about Moeser?

A I didn't have any personal contact with Moeser. I can not say anything about him.

Q Let us skip him. What can you tell the court about Simon?

A I haven't se n much of Simon. I can tell you very little about him.

Q Well let us skiphim. What can you tell the court about Walenta?

A All I can say about Walenta is that he or I met him in the bunker in February, 1945 and I know that at the time that the Russians had staged an insurrection in the bunker he selected Russians from all his cells and also from mine in order to have them executed.

Q How do you know that?

A I myself was in the bunker in Cora from February, 1945 until the evacuation.

Q Did you see anything that Walenta did or did you hear it with your own ears?

A I know about---

PROSECUTION: If it is about his pajamas let us skip that.

You will h ve to translate it.

(Bouda-direct)

A I know that he was wearing my pajamas w.ich my mother had sent me who didn't know we were not allowed to receive packages. He was stealing things in a very mean way.

Q You identified Buehring. What can you tell the court About Buehring?

A I know Buehring from the bunker as a beater.

Q What else besides as a beater?

A During the interrogations of the Russians he beat them awfully, terribly.

Q What happened to the Russians?

A Two Russians from my cell who had been in errogated by him have died.

Q Why did they die?

A They were beaten to such an extent that their kidneys were hurt and they died and they were taken to the dispensary by the dead body carriers.

PROSECUTION: Nothing further.

DR. AHRIMER: Cross examination for the accused, Maischein, and Rickhey.

CROSS EXAMINATION

QUESTIONS BY DR. AHRIMER:

Q You said that you met Maischein when you had to give a facial in the troop dispensary to an SS physician. What was the name of that physician?

A He did not introduce himself to us. Nobody introduced himself to us prisoners.

Q Isn't it a fact that you came into the troop dispensary almost daily?

A Yes, I was there every day.

Q And you want to tell the court that you did not know the names of the SS physicians who worked there in spite of the fact that you had business there almost everyday?

A I only know that he had a lot of pimples in his face which I had to take out. I don't know his name.

Q Did you ever hear the name of Dr. Kahr?

A Yes, he was the best of all SS people. He was a man with feeling and a human heart.

Q Did you ever hear the name of Dr. Kurske?

A Yes. When I had been sentenced to death and I was taken from Nordhausen to Dora he saved my life by keeping me several months in the dispensary.

Q Was the man whom you had to give a facial one of those two names which we have just mentioned?

A No. He was neither Dr. Kahr nor Dr. Kurske, he was a dentist.

Q And who was Maischein's superior?

A I don't understand you.

(Bouda-Cross)

Q If I understood you correctly you testified that Maischein was working as a nurse in the troop dispensary?

A Yes, that is right. Maischein was a male nurse there. I was not a male nurse there, I was a masseur and he also wanted me to give him a massage, but I didn't do it.

Q And isn't it right that Dr. Kahr was the physician in charge of the group dispensary?

A I know Dr. Kahr from our prison dispensary, but I have also seen him in the troop dispensary.

Q Please answer my question. Isn't it right that Dr. Kahr was the physician in charge of the troop dispensary?

A I know him from our camp. I know that he was a physician, but I do not know if he was the physician in charge.

Q But you do know that he worked in the troop dispensary, is that right?

A Yes.

Q Consequently, since Maischein was working there as a nurse, Dr. Kahr was his superior officer, isn't that correct?

PROSECUTION: I pray the court's judgment.

PRESIDENT: Wait a minute. The objection is overruled. The witness will answer the question.

THE WITNESS: Now that he also worked with Lorenz--SS Sergeant Lorenz also came into the dispensary.

QUESTIONS BY DR. ALDINGER:

Q On which day were you taken to the bunker in Nordhausen?

A As I have stated before, on the night of the 3rd to 4th of November '44.

Q Is the bunker located in the Boelke Kaserne in Nordhausen?

A I know that the bunker was in Nordhausen--that I know, but when we were taken out there were so many SS men and other people standing around in groups that I don't have the slightest idea where we were.

(Bouda-Cross)

Q In which bunker was it when the camp commander first came to see you and on which occasion did you notice the golden ring which had belonged to the American on the hand of Boerschner?

A In Nordhausen.

Q And when did that visit occur?

A At the end of November.

Q And on which day was it then the two Americans were in your cell?

A I remember exactly, it was in the night from the 5th to the 6th.

Q November 1944, is that right?

A Yes.

Q Do you mean to state it was consequently on the same day--approximately on the 5th or on the 6th of November 1944 that Maischein came to fetch the two Americans, is that right?

A Yes.

Q Did you ever at a later time see the officer again who accompanied Maischein?

A I remember that he had been wearing a leather coat at the time but he never entered our bunker again.

Q Did Maischein at that time address this officer by his rank?

A He addressed him either as SS Lieutenant Colonel or SS Colonel--I don't remember exactly now which one it was but it was a high rank.

Q Please repeat the words which Maischein used in the bunker when he came to call for the Americans.

A He came to attention and he said, "Colonel"--either it was Lieutenant Colonel or full Colonel, I don't know exactly, "those are the two pirates".

Q Did he say anything else?

A And he added in respect to me that I also would be a criminal.

(Bouda-Cross)

Q Is it correct that he used the word "criminal" only in reference to you?

A Yes.

Q Didn't you testify under direct examination that Maischein had said to the officer, "Those are the two pirates, those two criminals"?

A No, I have stated that he has addressed the two as "pirates", but me as a "criminal".

PRESIDENT: The court will recess for 15 minutes.

(Whereupon the court recessed at 1600 hours.)

* * * *

(Whereupon the court reconvened at 1615 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present, the prosecution and defense are represented by counsel, all of the accused are present, the reporter and interpreters are present.

At the end of the last session the witness Bouda was under cross examination.

PRESIDENT: The witness is reminded he is still under oath.

JULIUS BOUDA, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, continued to testify through an interpreter as follows:

(Whereupon the proceedings were translated into the German language.)

CROSS EXAMINATION (continued)

QUESTIONS BY DR. AMEIMER (continued):

Q Did I understand you correctly that at the time on the 5th or 6th of November when Maischein came to the high SS office, into the cell in order to call for the Americans that he did not call them criminals, he only called them pirates?

A He called those two men pirates, but he pointed to me and he said "criminals," but when he said that he was referring to all three of us because the word "criminal" was a very customary expression in camp -- a very common expression.

Q If Maischein pointed at you only, how come that you claim that the term "criminal" was referring to all three of you?

A I know that everybody who fell into the hands of those criminals, the SS criminals, was not considered by them a human being but he was considered by them a criminal.

Q Is that the only explanation you have to offer in reply to my question?

A The whole world knows that they were criminals and that they did not give us any other names but criminals.

Q Do you understand German well?

A Not perfectly.

Q Isn't it possible that you were mistaken when you say that you heard Vaischein utter the word "pirate"? Don't you think that the word he used was "pilot"?

A After all, I know that you spell "Pilot" with an "I" while you spell "Pirate" with an "r."

Q You have further testified to another remark of Vaischein. You said that Vaischein had said that you were a Communist and a Bolshevik and a criminal while he knew that you had not been incarcerated for communistic activities. When and where was that remark made?

A He called me that in the bunker.

Q In which bunker?

A In Nordhausen.

Q And when was that?

A That was at the time when he called for the two pilots, the two Americans; at that time he said, "This is also a criminal; he is also a Communist."

Q That was also again on the 5th or on the 6th of November 1944, is that right?

A I have said already twice that it was on that date.

Q Didn't you state under direct examination that this remark was made while you were taken in the ambulance to the dispensary?

A He didn't take me away; he wasn't the one who took me away.

Q Didn't you state under direct examination that this remark was made at a different occasion?

A No, I said that he had said that when he came into the bunker with that bandit, that Lieutenant Colonel.

Q Did I understand you correctly? You have referred to that Lieutenant Colonel as to a bandit, gangster?

A Yes, because I know that they have been classified in Nurnberg as criminals and they have been called worse things than that yet.

Q At what time of the day or of the night occurred the calling for the two Americans?

A It may have been between 1 and 3 o'clock.

Q At noon or at night?

A At night -- in the morning.

Q Could you see through your cell the road in front of the bunker?

A Yes.

Q In which floor of the bunker building was your cell located?

A At the first floor.

Q Isn't it a fact that not a single cell of that bunker in Nordhausen has an opening to the street?

A Yes.

Q Isn't there also a wall around the bunker?

A It was possible to overlook the road very far from that cell window, and around Christmastime we also could see the Christmas tree and lots of people.

Q When was it that you talked to the capo of the crematory about the incident which you have testified to under direct examination?

A I spoke to the capo of the crematory in January.

Q 1945, is that right?

A Yes.

Q Is the last name of that capo Fuchs?

A I only know his first name, Franz.

Q And what did that capo tell you about Weischein?

A All that which I have already stated and which has already been taken down and is on record.

(BOYDA-Cross)

Q Please repeat it.

A When I was taken from Mauthausen to the dispensary at Dora that capo came to see me. He brought me, as I have said before, some food. And, in spite of the fact that I was very weak, I was very much interested and I asked him if he wouldn't know what had happened to the two men of American nationality.

Q And what did he say to you about Maischein in reference to the Americans?

A That Maischein was present during the secret cremating of the two Americans.

Q And when, according to the story of the capo, did that cremating of the Americans occur?

A That is supposed to have happened before the Christmas holidays 1944.

Q Did the capo mention anything about it that the Americans had come to the crematory -- that when the Americans came to the crematory they were already dead?

A Yes, dead.

Q Did he mention anything about when and how the Americans would have lost their lives?

A He didn't give any more details, only that he had kept the combinations.

Q Did he say anything about what had happened to the combinations?

A He said that he would also tell about the combinations Dr. Cespiva and that also Dr. Kahr would learn about it.

Q You mean Fuchs told you that, is that correct? You mean the crematory capo?

A I know that his first name is Franz. I don't know his last name.

Q And who was that Cespiva whom he wanted to tell that?

(BOUDA-Cross)

A That was the physician in camp -- in the inmate camp.

Q And where was Dr. Cespiva at that time?

A Dr. Cespiva was at that time in the bunker.

Q Did I understand you correctly, you have stated also before that Maischein had taken off the ring of one of the Americans and had turned in the ring to the Headquarters office, is that right?

A Yes, he told me that.

Q When, according to the story of the capo Franz, did Maischein do that?

A According to what he said, it was, I believe, shortly before the Christmas holidays. He spoke German to me.

Q Did I understand you correctly, Maischein is allegedly to have taken the ring off the hand of the dead body at the day of the cremating, is that right?

A According to what he told me, he never denied anything, it must have happened before the time when the commandant had the ring on his finger.

Q Did I understand you correctly that you have testified before under direct examination that in camp it was generally known at the time before you were arrested that Maischein did not hesitate to be present during burnings of pilots?

A Yes.

Q What prompted people to say that?

A There were a lot of the Jews working in the prisoners' kitchen and a man by the name of Karl Balke told me that one day Maischein came running into the kitchen and said, "Quick, quick, give me something to eat! I have a lot of work to do upstairs."

Q Is that all you have to answer to the part of that question?

A It was common knowledge in the camp, nothing ever remained secret. There were other things in camp which people tried to keep secret but just the same it was common knowledge.

Q Did you ever learn anything at all about Maischein in connection with pilots, not counting the incident of the two Americans?

A The capo at the crematory can confirm that. He knows an awful lot. He knows more than I do.

Q I ask you did you ever learn that Maischein was present at the cremating of a pilot, except at the incident of the two Americans?

A He only told me that Maischein had bloody hands, that he had a lot on his conscience.

Q Whatever makes you say that it was already known in camp before you were arrested that Maischein made no scruples to be present during the cremating of pilots?

A Fritz Brill, dispensary capo, told me that. This man one day gave himself an injection because he was scairt. And he tole me that he did know very much about Maischein which he had learned from SS Sgt. Lorenz.

Q Did Brill say anything to you at all that he did know something about Maischein in connection with pilots?

A He did not tell me very much because he was afraid, but he did tell me that he knew that much about Maischein, that if one day the camp would be abolished, Maischein would be the first to be hung.

PRESIDENT: The court will recess until nine o'clock tomorrow.

(Whereu, on the court recessed at 1655 hours September 10,1947.)

MILITARY GOVERNMENT COURT

CASE RECORD

VOLUME 23
Pages 1498 - 1555

CASE NO. 000-50-37

*~~XXXXXXX~~
~~XXXXXXXXXXXXXX~~ MILITARY COURT
GENERAL

PLACE Camp Dachau, Germany

DATE 11 September 1947

WITNESSES

PROSECUTOR Col. Wm. Berman

DEFENSE COUNSEL Maj. L. Poullada

INTERPRETERS Nelly Singer, Roland Carroll, Dr Fred Frankl,

REPORTERS George Converse
Peter L. Di Curti
Gloria M. Spears
Eunice L. Hasdorff
Mabel D. Holt

ACCUSED

ADDRESS SEX AGE

FIRST CHARGE SECOND CHARGE

PLEAS

FINDINGS

PREVIOUS CONVICTIONS

IMPRISONMENT (TERM
(
(BEGINNING 194

SENTENCE

FINE. AMOUNT
TO BE PAID BEFORE 194
FURTHER TERM OF IMPRISONMENT

CHARGE SHEET AND RECORD OF TESTIMONY ARE ANNEXED HERETO.

SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY

SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

R E C O R D O F T E S T I M O N Y

in trial of

THE UNITED STATES versus ARTHUR KURT ANDRAE, et al

by

GENERAL MILITARY GOVERNMENT COURT

tried at

CAMP DACHAU, GERMANY BEGINNING 7 AUGUST 1947

11 September 1947 Pages 1496 thru 1555

T E S T I M O N Y

WITNESSES:	Direct	Cross	Redirect	Recross	Court
JULIUS H UDA		1498			1548
JOSEPH C UNE	1549				

pld-224-1
Nordhausen

MORNING SESSION

(Whereupon the court reconvened at 0915 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present; all of the accused are present; the defense and the prosecution are present and represented by counsel; the court reporter and interpreter are present.

At the end of the last session the witness Bouda was under cross examination.

PRESIDENT: The witness is reminded that he is still under oath.

JULIUS BOUDA, called as a witness by the prosecution, being duly reminded that he is still under oath, resumed the stand and testified further through an interpreter as follows:

DR. AHRENS: Continuation of cross examination, for the time being, on behalf of the accused Rickhey.

CROSS EXAMINATION, continued

QUESTIONS BY DOCTOR AHRENS:

Q Mr. Bouda, did I understand you correctly when you stated under direct examination that you saw a writing in connection with two Russians with the signature of a Director Rendfeld?

A That is correct. I saw such a writing at the commandant's. There were seven numbers listed thereon.

Q In which month was this?

A That was in the beginning of 1944 when I was at the commandants. It was sometime before Easter.

Q Was that before Easter, 1944, is that correct?

A It was sometime before the holidays, but we prisoners didn't know what the holidays were. It was on a Saturday.

Q Wasn't the signature Bergfeld instead of Rendfeld?

A What was written there was Rendfeld. I don't know if it was written by him. The capo had brought it from Director Rickhey.

pld-224-2

Q At that time had you ever seen Rickhey?

A Yes I saw him.

Q Isn't it a fact that Bergefeld, whom you have also named, was the supervising engineer in the work allocation of the staff of Sawatski?

A I knew these people from these evening suppers. I know that Rendfeld was there, Bergfeld was there and Rickhey and Kuhlman.

Q You stated before that in general you didn't know what day it was? Wasn't there a calendar in the apartment of Foerschner?

A There was no calendar. There was only a leather diary in which he always marked off the day.

Q Since when were you the masseur for the camp commandant Foerschner?

A From the beginning of 1944.

Q Was there a radio in the apartment of Foerschner?

A He had one radio near the couch where I massaged him and he had another radio there where he slept.

Q Isn't it a fact that over the couch there was a calendar hanging?

A There was a very large picture, a portrait with sunflowers, and also a picture which had been painted by prisoners.

Q Please answer my question. Wasn't there a calendar over the radio near the couch?

A The radio was standing next to the window, the couch was standing on the lefthand side, and the radio was standing on a small stand.

Q Do you wish to deny that in the vicinity of the radio there was a calendar hanging?

A I know that no calendar can hang on the window.

Q Do you wish to deny that in the vicinity of the radio there was a calendar hanging?

A No, there was not; in the vicinity there was no calendar hanging; there was something similar to a calendar but it was a head of Hitler.

Q When did you see the accused Rickhey whom you identified yesterday for the first time?

A I saw him during the supper at the commandant's during the eating and the drinking and later on in the tunnel.

Q Mr. Bouda, I didn't ask where you saw him for the first time, I asked you when you saw him for the first time.

A That could have been in the beginning of March or even February.

Q 1944, is that correct?

A Yes.

Q And where was it that you saw Rickhey for the first time?

A In the dining room where he had been invited for supper.

Q Where at that time was the office of the camp commander Foerschner?

A At that time the office was downstairs, before he had furnished his apartment; then later on the office was in the same block in which Detmers also had his office.

Q Do you know the designation of the tunnel in which he had his office?

A I know that it was always called Tunnel I, or Hall I; that is the way the guard reported it.

Q Please walk over here to Prosecution's Exhibit P-21-A and indicate approximately where this tunnel was.

A I am sorry, I am not an engineer. I don't understand these lines on here (indicating). I remember the terrain as mountainous and not even terrain, and I don't understand this.

Q Was the office of Foerschner in the tunnel, in the vicinity of the entrance to the tunnel from Dora or on the opposite side?

A I know that he always escorted me to a place where Mueller had performed his duty, to the main entrance.

Q When you had to walk into the tunnel, did you have to walk very far to get into the tunnel where the offices were located, or, was it close to the entrance of the main tunnel, in one of the closest cross tunnels?

A It was not very far to the commandant.

Q Please look at this chart, Prosecution's Exhibit P-22, which illustrates the SS camp and the prisoners' camp of Dora, and tell me now where Foerschner had his living quarters.

PROSECUTION: I pray the court's judgment. The man has already testified he can't read a map, he can't understand a map. I object to any further interrogations which will require some understanding of a map.

PRESIDENT: The objection of the prosecution is overruled. The witness will answer the question, if he can.

PROSECUTION: Wait a minute, I want the remark of the court translated, please.

WITNESS JULIUS BOUDA: I can explain it in another way.

QUESTIONS BY DR. AUFFINGER (continued):

Q Do you understand this chart?

A I don't know what these black squares indicate. The Czechoslovakian charts look entirely different.

Q Where were the living quarters of Poerschner in the SS camp?

A One had to walk on the street -- it was an asphalt street; one had to turn off to the left; one passed the SS canteen -- one block was at an angle to the other blocks -- and the block of the commandant was right in back of this on the side, so that one could see the block, together with the SS clothing store. That was the first clothing supply room. Later on this was dissolved and a new clothing supply room was constructed.

Q Was the office of the camp commandant Poerschner, after it was moved out of the tunnel, in the same building in which they were living?

A He then had his living quarters in the SS colony above the Fuehrer Heim -- leader's home. He had his living quarters there with an office, and in this building there was a balcony.

Q With other words, the living quarters and the office were in the same building at that time, is that correct?

A Where he slept at first, that became too small, and then a new place was constructed for him. There was a sleeping room there, and a living room, but a prince from Waldeck was there.

Q Please answer my question. At that time the living quarters and the office of Poerschner were both in the same building, is that correct?

A As I have already stated, in this new place which was constructed there was a sleeping room, a living room, and then there was an office in which there was the large table which could be pulled out and where these suppers took place, but in the small place there were only small rooms.

DR. AUFFINGER: I pray the court's judgment, that the witness be instructed to answer the question and not go into long explanations of

things that are irrelevant and immaterial to this issue.

PROSECUTION: When a man says the sleeping room and office and the dining room are all in the same building, I submit he has answered the question.

PRESIDENT: The witness is instructed to answer the questions that are put to him as briefly as possible, with only the information that is required by the question itself.

WITNESS JULIUS ZOUDA: Yes.

QUESTIONS BY DR. AHEIMER (continued):

Q In what month was the office of Foerschner which was down in the tunnel moved up above -- that is, to the "S camp?

A He had his office down below from the beginning, when the production of these weapons, the V-1 and V-2, was started.

Q You evidently misunderstood my question. I wanted to know in what month Foerschner gave up his office in the tunnel.

A His office was constructed sometime after Easter 1944. It was constructed from his former living quarters.

Q How many weeks after Easter 1944 was Foerschner's office moved from the tunnel up above?

A After 6 years it is difficult for me to remember these details as is requested of me now.

Q You stated before that this happened shortly after Easter 1944. Please estimate approximately how many weeks after Easter 1944 this happened.

A That I can't remember exactly.

Q But it was shortly after Easter, is that correct?

A I know that it was after Easter that he had his office there but I don't remember how long.

Q If Easter of that year was on the 9th of April, can I assume that his office was moved about the end of April?

PROSECUTION: Wait a minute. I pray the court's judgment. The man said and stood on the fact that he doesn't remember the time -- he can't say how many weeks after Easter this thing happened. I ask the court's judgment on the last question.

DR. AHEIMER: I beg the court's judgment. The witness has stated that it was shortly after Easter, so I assume that one can approximately set the time.

PROSECUTION: That raises another question. A lot of these discussions that are taking place are not being translated to the witness. Should that be?

DR. AHEIMER: I am of the opinion that it does not have to be translated to the witness, as it is not any business of the witness what is being discussed here.

PRESIDENT: The first thing, the objection is sustained. The witness will not answer the question.

And, as for the second point, the discussion carried on in open court should be translated to the witness. I wish to add to that last statement: and to the accused also.

QUESTIONS BY DR. AHEIMER (continued):

Q Did you ever hear the name Mittel Werke?

A The name Mittel Werke every other man heard, but for us foreigners it was difficult for us to understand what this word "Mittel Werke" meant.

Q Did you hear that Mittel Werke was the name of the factory?

A I knew that Mittel Werke was the name of the factory where people were murdered, where hundreds of them died daily.

Q You said that hundreds of them died daily, is that correct?

A Yes, day for day every detail carried one dead up to the crematory.

Q Did you ever hear the name of the director Kettler?

A The prisoners who spoke about the director only spoke about the

director who let the people die, who let them become full of lice, and who didn't care about them, but they never mentioned any name.

Q You were daily in the apartment of SS Major Foerschner, is that correct?

A I had to go there for massaging; the hairdresser had to go there; then, also, there was a certain orderly to clean up -- clean-up orderly -- and I had to execute his orders.

Q Didn't you there at the apartment of Foerschner massage Director Kettler almost every second day?

A Nobody introduced themselves to me, "I am Director Kettler." I had to massage those comrades of his, those other bandits.

Q Didn't you also serve in the evening when Foerschrer had visitors present?

A I had to do what I was ordered to do. I had to carry food and wine there, and they were all drunk like pigs.

Q Did you never hear that Foerschner addressed a visitor who came quite often with the name of Kettler?

A They addressed each other as "Director," "Director, we are going to win the war," but they never mentioned a name.

PRESIDENT: The court will recess for 20 minutes.

(Whereupon the court recessed at 1605 hours.)

(Thereupon the court reconvened at 1030 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all the members of the court are present; the prosecution and the defense are represented by counsel; and all of the accused are present; the reporter and interpreters are present. At the end of the last session the witness Bouda was under cross examination.

PRESIDENT: The witness is reminded he is still under oath.

JULIUS BOUDA, called as a witness by the prosecution, resumed the stand, and being reminded that he was still under oath, testified further through an interpreter as follows:

CROSS EXAMINATION

QUESTIONS BY DR. AHRNER:

Q You said under direct examination that in the beginning Rickhey had his office in the tunnel as well. What period of time do you mean when you say "from the beginning"?

A In the year 1944 I saw him in the office.

Q Do you want to say with that that Rickhey during the entire year 1944 had his office in the tunnel?

A No. Later on in the office where he had been there was somebody else and he had his office in Ilfeld.

Q Please state the month as far as you can remember during which Rickhey gave up his office in the tunnel and moved to Ilfeld.

A That is not known to me in which month it was.

Q You stated before in reply to my question that you saw Rickney for the first time in the beginning of March or in February. How lon after this period of time did Rickney still have his office in the tunnel?

A That I don't remember any more.

Q Isn't it a fact that Rickney never had an office in the tunnel?

A It is known to me that he had an office in the tunnel.

Q And where was this office in the tunnel?

A I know that steps led up to this and that there were several offices of other directors.

Q Was it in the close vicinity of Roerschner's office in the tunnel?

A No. One had to go quite a way from Roerschner's office.

Q Didn't you state under direct examination that Rickney had an office next to Roerschner's office in the tunnel?

A I stated that he was present in the office of Roerschner.

Q You were repeatedly asked yesterday if you had seen Rickney in the camp and you said, "Yes" several times. Do you know with that if the SS camp or the actual protective custody camp were within the barb wire?

A They went from the SS camp down to the prisoners' camp.

Q Did you ever see Rickney inside the barb wire, that is, within the actual protective custody camp?

A They were walking on the asphalt street. They were not in the actual prisoners' camp, but they were on this asphalt street.

DR. AHRENDS: I beg the court to instruct the witness to answer the question positively if he can. I believe this question can be answered with "Yes" or "No".

PRESIDENT: Repeat the question, please.

(whereupon the reporter read the last question, "Did you ever see Rickney inside the barb wire, that is, within the actual protective custody camp?")

PRESIDENT: Wait a minute. The witness is directed to answer that question as briefly and as positively as he can.

THE WITNESS: I saw him.

QUESTIONS BY DR. AHRENDS:

Q Where?

A I saw him as he went from the SS camp into the prisoners' camp.

Q Did you see that he entered the gate of the protective custody camp?

A I saw the commanding officer, he and somebody else.

Q When was this?

A In the year of 1944--I can't remember exactly any more.

Q You stated under direct examination that on four occasions you had to carry reports concerning the V-1 and V-2 weapons to the office of Rickney?

A Those were reports about the V-1 and V-2, and I had to carry them to the office of Rickney, Yes.

Q Were these reports open, that is, they were not in a sealed envelope?

A It was a large, square envelope, and that contained the reports together with copies.

Q Was the envelope sealed or open?

A The envelope was sealed and the two papers were folded.

Q Are you speaking about the two papers which were inside the envelope?

A No. The envelope had letters--some sort of a content.

Q Then the reports about "V" weapons were opened and not sealed?

A What was important was sealed, but those things that were not important were given to me openly and in my hand.

Q Did you read the reports about the "V" weapons?

A I wasn't interested in that--I only know that it was signed by the commanding officer and that I had to deliver that.

Q How do you know then that these were reports about the "V" weapons?

A I know that similar papers always went sealed.

Q Please answer my question. How do you know that those were reports about the "V" weapons?

PROSECUTION: I submit that he said that because such matters went sealed--that was the answer.

PRESIDENT: The objection is overruled. The witness will answer the question.

THE WITNESS: Because the commanding officer had told me that those were important matters, they were important papers, and that I shouldn't lose them.

Mr. [illegible]-cross-examination-9/11/47-a

QUESTIONS BY DR. ADELSOHN:

Q Do you wish to make the court believe that the commanding officer would hand you reports about secret weapons openly into your hands?

PROSECUTION: He has testified that secret important matters were sealed, and this is all repetitious questioning, and I object to it.

DR. ADELSOHN: If I understood the witness correctly, just those matters about the "V" weapons were not sealed but went openly.

PROSECUTION: I can almost quote his answer word for word and stake a week's pay on it. He said "unimportant things went unsealed, and were given into my hands to be delivered".

PRESIDENT: The objection is overruled. The witness will answer the question.

THE WITNESS: I remember that the commandant told me I shouldn't lose these things because they were important things.

QUESTION BY DR. ADELSOHN:

Q When in the year 1944 was it that this invitation was given, this supervision was given during which Kuhlmann, Bergfeld, and Mickney were present.

A. At any rate it was in the year 1944 in March or April, but they were all present there.

Q During this what did the man who you recognized as Mickney say about sabotage?

A He was convinced he knew that there was sabotage going on in the tunnel.

Q Isn't it a fact that very much sabotage occurred in the tunnel?

PROSECUTION: I pray the court's judgment.

DR. ADELSOHN: As far as you know?

PRESIDENT: The objection is overruled. The witness will answer the question.

THE WITNESS: That is correct; that is a fact. Every prisoner tried to sabotage as much as possible if he was committed, if he was assigned to any important point in the production of the weapons.

QUESTION BY THE ABOVE ONE

Q And when was it when the Capo, Cegelo, as you have called him, was looking for the commanding officer, Boerschner?

A As I have already stated to the court, it was about three weeks after his visit he came and looked for the commanding officer.

Q If the first invitation, as you have stated, was in March or April, then Cegelo must have come sometime in May?

A That I can't say--which month it was but it was three weeks after this.

Q But it was at any rate at such a time when Boerschner still had his office in the tunnel, is that correct?

A At this particular time he had his office up above.

Q And what did Boerschner say to Capo Cegelo after he had brought his reports?

A As I have already stated, he said that he would do everything that was necessary in connection with the punishment.

Q The next day you saw this report which the Capo Cegelo brought on the desk of the commanding officer, Boerschner, is that correct?

A Yes. A copy had been made, as I have already stated here.

Q And what did this document state?

A "I request that these prisoners be punished for sabotage" and their numbers were stated.

Q How many prisoners are concerned?

A Seven prisoners.

Q And who had signed this report?

A The signature was "Riekhey" there.

Q Is there another signature on this document?

A "Cegelo" as a witness.

Q And what did this Capo Cegelo say to you after you had left the office of the commanding officer, Boerschner?

A That he was the right hand man of Hickney.

Q How did Hickney address the commanding officer, Koerschner?

A SS Major.

Q And how did the directors of the firm address the commanding officer?

A During work they always addressed him as SS Major, but privately they used the familiar German term of "du".

DEFENSE COUNSEL: Just a minute. I believe there is an error. The translation was not complete. I believe that the witness said that they addressed him as "Otto", that was his first name.

THE WITNESS: The one director always addressed him as "Otto", that was his name.

QUESTIONS BY DR. ARNDT:

Q What did this one director who you are speaking about look like? Did he have cuts in his face?

A He was a tall, heavy-set man.

Q Did he have saber cuts in his face?

A He was tall; he was heavy-set and imposing figure.

DR. ARNDT: I beg the court to instruct the witness to answer my question if he had saber cuts in his face.

PRESIDENT: Please read the question.

(Thereupon the reporter read the last question, "Did he have saber cuts in his face?")

THE WITNESS: No, he didn't have them.

QUESTIONS BY DR. ARNDT:

Q Wasn't it Sawatski whom you are speaking about?

A Sawatski was small.

Q Wasn't it director Vorsch?

A I am sorry, I do not know that.

DR. AHLMER: I have several questions for the conclusion of my cross examination for the accused Maischein.

QUESTIONS IN BEHALF OF accused Maischein

Q You said yesterday that the capo Fuchs told you shortly before Christmas the cremations of the bodies with the combinations took place?

A I said about that yesterday, what I stated here yesterday. That was told me by the capo Franz. I don't know who Fuchs is.

Q. But that was the capo of the crematory; is that correct?

A Yes, he was called the crematory capo.

Q Do you know Dr. Cespiva?

A Yes.

Q What do you say to this, that Dr. Cespiva told the identical story stated by the capo Fuchs in the summer of 1944?

A Summer of 1944?

Q Yes?

A It is possible that Cespiva was referring to another incident which happened prior to this one.

Q Did Capo Franz tell you anything about what he did with these combinations?

A He told me, just as I stated it here, that he hid them.

Q You spoke about the ring which one of the Americans was wearing on his hand. Had you looked at this ring closely?

A Yes, the commanding officer was standing directly in front of me.

Q If I understand you correctly, you stated yesterday that the ring was a square. Do you mean with that that it had a square plate?

A Yes, similar to the rings with monograms, only that it stated U.S.A.

Q How large was this plate on which the monogram was? State it

in millimeters.

A It was a large, broad ring.

Q Had you already seen the engraving, "U.S.A" when the American was in your cell?

A Yes, I have already stated this. Yes.

Q And there is no doubt in your mind that the ring that you saw later on the hand of the commanding officer was the identical ring that you saw on the head of the American?

A I am convinced that this ring was taken away from the American national.

Q Didn't you repeatedly receive food in the SS dispensary where you met Maischein?

A I received food from the commanding officer; I never received food from Maischein.

Q How did Maischein behave toward you?

A To me he was good.

Q Can you state anything about his conduct toward other prisoners?

PROSECUTION: We are opening up the question of repetition now.

DR. AHRENS: I haven't touched this matter under cross examination as yet.

PROSECUTION: Let us--if this evidence is being offered to show good character, it must be established as to the time and place and the existing time of the alleged offenses herein referred to.

DR. AHRENS: The witness made certain statements on direct examination and I have the right, under cross examination, to state a similar question in a different manner to test the memory of the witness. Furthermore, I am following another reason, which will be established through the next question.

PRESIDENT: The objection of the prosecution is overruled.

subject to the defense connecting his question with the point at issue.

INTERPRETER: Will you give me the question?

(The question was read by the reporter.)

A He behaved well in Dora.

Q Isn't it a fact that through the interpreter who is sitting next to you, Dr. Frankl, you offered yourself as a defense witness for this accused Kaischein about eight or fourteen days ago?

A That I don't understand. Who am I supposed to offer this?

Q Didn't you request Dr. Frankl to go to the defense, that you wished to offer yourself as a defense witness for Kaischein?

PROSECUTION: I pray the court's judgment.

PRESIDENT: Objection overruled; witness will answer the question.

A About this there is nothing known to me.

Q Do you wish to deny this?

Prosecution: I pray the court's judgment on this line of inquity, whether he offered himself as a witness for the accused or not. What has that got to do with the issues in this case and how is that used to impeach his testimony. That is the only way that this witness interests this court, if he tells the truth or not; and if he went and offered himself as a witness for Kaischein without telling me, how does that affect the issues in this case?

DEFENSE COUNSEL: If the court please, I believe that as a point of law, one of the proper methods of impeaching a witness is to show bias, interest,or prejudice. If this witness has gone around bargaining or peddling his testimony, offering it to both sides, that is very definitely a question which goes to his bias, his interest, or his prejudice, against or for the accused, and therefore it seems to me that it is relevant,that it is a proper method of impeachment.

PROSECUTION: That is what the late President used to call an

"ify" question. Now if there is a question, there ought to be a way to get at the truth and I will be the first to move his arrest if he has been doing that, but there is no evidence that he has been doing that, and you can't lay a foundation by an inefficacious case.

DEFENSE COUNSEL: The only way you can lay a foundation for impeachment is by asking if he has done so, or if he has not done so.

PRESIDENT: The objection is overruled.

(Dr. Aheimer repeated the question to the witness, as follows:)

Then you wish to deny that you offered yourself as a witness for Maischein, for the defense, through Dr. Frankl?

A Who is Dr. Frankl? What kind of a Dr. Frankl? I don't know what it means. I do not know what the answer is.

Q Do you know the name of the gentleman who is sitting on your left side and is acting as interpreter?

A He was introduced to me as Dr. Frankl.

Q Good! Do you deny that you have offered yourself as a defense witness for the accused Maischein within the last eight or fourteen days, through Dr. Frankl?

A I asked that you should interpret for me.

DR. AHEIMER: I pray the court that the witness be instructed to answer the question.

(Conference between court and counsel off the record.)

Q Did you offer yourself as a defense witness for Maischein, to anybody?

A Nobody told me that I should make any statements for anybody or against anybody. I was only told to come as a witness to Dachau.

DR. AHEIMER: No further questions.

QUESTIONS BY DR. RENNAR (in behalf of the accused Wallenta and Dettmers)

Q Is it also correct that you stated under direct examination that you massaged Dettmers from March 1944?

A Yes.

Q Did you also state that at the same time you were working in the clothing supply room?

A That was two or three hours that I helped the SS Corporal Iamatsch.

Q And from what period of time until what period of time were you working in the clothing supply room?

A That could have been one hour in the morning and one hour in the afternoon.

Q During which months were you working there?

PROSECUTION: I pray the court's judgment as to the materiality of it, under the widest possible stretch of imagination.

DR. RENNER: I believe it is important because the witness during direct examination repeatedly referred to the clothing supply room and warehouse.

PRESIDENT: The objection overruled. The witness will answer the question.

A I worked there from the beginning of 1944 until my incarceration in November 1944.

Q Was that the SS clothing supply room or the prisoners' clothing supply room?

A Yes, the chief was the SS Major Barnewald.

Q Where did the SS Major Barnewald live?

A It is known to me that he was in Buchenwald and that he occasionally came to Dora.

Q And was it the SS clothing supply room, or the prisoners' clothing supply room?

A That was the SS clothing supply room and the second man in charge was SS T/Sgt. Shibeek.

Q And was this SS clothing supply store inside the protective custody camp or outside the protective custody camp?

A The first clothing supply room in 1944 was upstairs and the second was in the vicinity of this asphalt street where the living quarters of the other 85 technical sergeants were.

Q If I understand you correctly, then, this clothing supply room was outside of the protective custody camp.

PROSECUTION: I pray the court's judgment. In all the direct examination so far as I can find, one question: "Did you ever do anything besides massage them?" Answer: "When I was not occupied massaging them I had to go to the clothing supply room to sort out the laundry for the SS." And that is the basis for all this cross examination. I pray the court's judgment. Page 1455 of the record.

DR. RENNER: I pray the court's judgment. I merely asked the witness if this clothing supply room was inside or outside the protective custody camp and he did not give me any answer; he gave me every other answer but did not answer my question.

PRESIDENT: The witness will answer the question.

A The clothing supply room was in the SS camp, not in the other camp.

Q In the clothing supply room did you also have the laundry of the SS Major Foerschner?

PROSECUTION: I object.

PRESIDENT: The objection is sustained.

DEFENSE COUNSEL: If it please the court, I have conferred with counsel and from his statement to me it is extremely pertinent. He will tie it and connect it up with something which is directly material to the issued in this case if he may be permitted to continue his line of questioning.

PROSECUTION: I object.

DEFENSE COUNSEL: If he may be permitted to continue with this line of questioning subject to the objection on the part of the prosecution or a motion to strike I believe he will connect it up.

PRESIDENT: With that understanding the defense may continue.

QUESTIONS BY DOCTOR KERNAN:

Q Was that the same laundry supply or clothing supply room in which you handled the laundry of the SS Major Foerschner?

A Yes, that was the same clothing supply room in which we handled the laundry, the bed linen of SS Major Foerschner. His private laundry, his personal laundry was brought from the city by his driver Sergeant Franz Frams.

Q Didn't you state under direct examination that during the time you were handling the laundry of SS Major Foerschner you saw how two Russians were being hanged in the wood courtyard?

A If in the SS clothing supply room there was not sufficient laundry then one had to go down to the other clothing supply room in the prisoner's camp.

Q Where, approximately, was the prisoner's clothing supply room in the Protective Custody Camp?

(Souda-gross)

A In the prisoner's camp there were two clothing supply rooms.

Q Where were these two clothing supply rooms, approximately?

A One was on the left hand side in the vicinity of the street when one entered the prisoner's camp and the other clothing supply room was in the back. That was for prisoners.

Q What was the color of the bed linen which you fetched for SS Major Foerschner?

PROSECUTION: I pray the court's judgement.

DEFENSE COUNSEL: The purpose of this question will be revealed immediately by my next question.

PROSECUTION: I object to it. It is my responsibility not to clutter this record and I object to it only on the ground that it clutters the record.

I think, may it please the court, that some effort should be made to show the court that this thing is material because, my goodness, it is all put in the record and later on I make a motion to strike it out and it is still in there. I have all the respect for the opinions of my brothers on the opposing side but I do think that some indication should be made to the court that this thing is material and shouldn't go in the record merely on say-so. "What is the color of his bedclothes?"--for goodness sake!

DEFENSE COUNSEL: I am not in a position to answer as to the materiality of the color of the linen at this point, but I believe that the materiality of his other questioning for the one for which I vouched has been shown since he has brought out that he had seen the hanging of these two Russians from the clothing supply room and therefore it was

(Boude-cross)

material to determine whether it was outside the camp or inside the camp or whether it was in a position from which he could see that hanging.

Now for this other question I am not in a position to vouch for it at the present time.

DOCTOR [illegible]: I withdraw my question.

CROSS-EXAMINATION BY DOCTOR [illegible]:

Q You have stated under direct examination that in November, 1944 you did not know German very well.

A Up to the present time I still don't know German very well.

Q Can you read German?

A Partly it is possible for me to read things which have been typewritten.

Q I have a typewritten piece of paper here and request that you read it out loud?

PROSECUTION: Wait a minute, let me see it first.

DOCTOR [illegible]: It is information from the Buchenwald case.

PROSECUTION: I can read part of it. I object. It is not a fair test, may it please the court.

DEFENSE COUNSEL: If it please the court, may we be heard before that objection is ruled upon. He has testified at length that he has become familiar with reports and that he has read orders which properly would be couched in legal language, that he understood them and can say what the contents were I think we are entitled to test his ability to read German.

PROSECUTION: There hasn't been a single bit of evidence that says he could read long orders. The only thing he says is that he read these reports by Mickhay and Detmers. It was just a question of reading a few numbers and something about making reports about sabotage from the following people, "please take care of them". That is all he testified

(Souda-cross)

to.

I remember pretty well myself what the record says.

Furthermore, as the result of extended cross examination about these businesses in the sealed envelope or not and the stuff that wasn't sealed--and he said he never read them, he wasn't interested in them. If they want to test him--and this is my last say-so on the question--let them type out the things he said he read or something similar to them and ask him to read that, not some hocus-pocus they picked out from the Buchenwald case.

DOCTOR KENNER: The witness not only stated that he did read these documents but he stated that he had read the identical document in one room and then in another room and if he could make a statement like that he must have read these documents.

PROSECUTION: It wasn't a document, it was a report on sabotage.

DEFENSE COUNSEL: He also testified, if it please the court, that he read orders in which people were condemned to hang and that is a legal document.

PROSECUTION: Not the way they wrote them it wasn't legal.

PRESIDENT: I think the court has heard enough discussion on this point.

The objection is overruled.

QUESTIONS BY DOCTOR KENNER:

Q Please read this out loud?

(Whereupon the witness did as requested.)

PRESIDENT: That is enough.

DR. KENNER: Please give the contents of what you have just read in German or in Czech.

PROSECUTION: I am sorry. If you want him to translate let him look at the paper.

THE WITNESS: Approximately four to six weeks ago Kirschbaum visited me---

PRESIDENT: Just a minute.

Were you translating from the original directly?

INTERPRETER: It is exactly the way the Czech interpreter gave it in German.

PRESIDENT: You are interpreting what the Czech interpreter said to you?

INTERPRETER: Yes.

THE WITNESS: Approximately four to six weeks ago Kirschbaum visited me during a conversation of man to man started and from this conversation a result was obtained. The rest I do not understand.

PROSECUTION: I would like the court to ask the interpreter how nearly correct that translation was.

INTERPRETER: It was word for word as it is in here.

DEFENSE COUNSEL: That can be done on redirect examination.

PROSECUTION: I would just as soon do it now and get it over with.

QUESTIONS BY DOCTOR RENNER:

Q Where did you massage Detmers--in which room?

A In his room on the bed.

Q In what building were his living quarters?

A That was the entire block which was in connection with the block of the commanding officer starting at the corner.

DOCTOR RENNER: I believe now would be a good time to have a recess because I am starting a new line of questioning.

PRESIDENT: The court will recess until 1330.

(Thereupon at 1255 hours the court recessed.)

AFTERNOON SESSION

(Whereupon the court reconvened at 1330 hours.)

PRESIDENT: The court will come to order.

LIEUTENANT JONES: Let the record show that all the members of the court are present, the prosecution and defense are represented by counsel, all of the accused are present, the court reporter and the court interpreters are present.

At the close of the last session the witness Bouda was under going cross examination.

PRESIDENT: The witness is reminded he is still under oath.

WITNESS JULIUS BOUDA: Yes.

JULIUS BOUDA, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, continued to testify through an interpreter as follows:

(Whereupon the proceedings were translated into the German language.)

CROSS EXAMINATION (continued)

QUESTIONS BY DR. REXNER (continued):

Q Mr. Bouda, where at the time when you gave a message to Detmers was his office?

A He had his office in the front room and in the back room he slept, and this is where I gave him the message; and these rooms were located in the same building which I had already described and which adjoined the other building.

Q Didn't Detmers at that time have his office in the building which was described as Standortfuehrung Mittelbau?

A In that block where I gave him the message was his private office.

Q Did he have another office in addition to the private office?

A Yes.

Q And in which building was that office located?

A In the beginning it was downstairs and where the reception room was and later on it was in that building where Foerschner's office was located.

Q Can you point out on this map where Foerschner's office was, what you mean when you use the term "upstairs" and "downstairs" or "up" and "down"?

A I can not make head and tail out of this map, but I do know that it was the block which was right next to the commandant's billets and I also knew it was right next to the officers' club.

Q You have testified that you saw a hanging in the lumber yard while you were getting linen from the supply room for the commandant?

A I did not say that I had seen the actual hangings; I said that I had seen how they were being led there and I have asked afterwards in the orderly room what had happened and I was told there that they had been hanged.

Q I am now referring to the two Russians whose execution you have said was to have happened at the Easter holidays of 1944.

A Do you mean those who, as I have said, were hung in the courtyard or those who were hung in the lumber yard?

Q I mean those who were hung in the lumber yard and those about whom you have stated that they were hung shortly before the Easter holidays of 1944.

A At that time nobody was allowed to look at hangings as a spectator. The only reason we knew that somebody was hung was that their clothing was sent back for disinfection and their numbers were reported in the orderly room.

Q Isn't it a fact that you have testified here: "At 11 o'clock they were hung. I happened to be at that time in the supply room in order to get fresh linen for the commandant"?

A Yes, that I have said.

Q But you did not witness that execution, did you?

A I have already said that I have testified here that I asked if the sentence was carried out.

Q Isn't it a fact that you have made that statement in reference to the other Russians who, as you have said, were hung in the summer?

A Yes, twice two men were hanged.

Q And as to the execution in the summer you asked the capo Szymcak, is that correct?

A Yes, at that time the men who were hung were the two from his office, and the other two were the two whom Knittler had brought.

Q And did you know the names of the men who were hung in the summer?

A As far as the Czech told me, their names were Nikolei and Mischka.

Q You mean to say that you learned the names only after the execution had been carried out already, is that right?

A We knew that their names were Mischka, but in order to be absolutely sure and positive that they had been the two men that had been executed I asked, and the reply was, "Yes, the two who have been executed are the two men whom you know as Mischka and Nikolei."

PRESIDENT: Just a minute. In the very first part of that answer, was it "Nikolei and Mischka"? You said "We knew their names were "Mischka -- "

INTERPRETER ROLAND CARROLL: Oh, yes, I am sorry. I mean "Nikolei and Mischka."

Q And those two prisoners were two men from the labor statistics who were working in Knittler's office, is that right?

A Szymcak was from the labor statistic and the other, Oldrich,

was from the orderly room.

Q Were the two Russians whom you saw during the Easter holidays in the roll call leader's room the same who were executed in the lumber yard?

A He reported to me that this was correct that they had been hung.

Q Who reported this to you?

A That Czech whom I asked and the other man.

Q Was that Czech also present when this man Brus brought these two Russians into the private office of Detmers?

A No, he was not present. It was his job to keep the records and to cross off everybody who was dead.

Q Did you know the names of these two Russians -- I mean those who were hung before the Easter holidays?

A It is difficult to recall these names. There was more than one execution.

Q And what makes you think that those were the same men who were later on hung?

A I come to the conclusion, according to what I have heard in the office and since Detmers was the master, he had the authority to give the order to do so.

Q Did you see the report which Detmers had signed?

A Yes, I saw the copy with the numbers in the commandant's office when I cleaned up there.

Q Was the time when you saw the copy not after the execution in the summer?

A I have seen so many copies; there were so many papers on that desk that I do not remember this today.

Q And how do you know that the copy you saw was the copy which referred to the execution which was carried out during the Easter holidays?

(BCUDA-Cross)

A I remember that on that copy was written "A Russian prisoner, Number 80907," but I do not recall the other number.

Q And what else was on that paper?

A On the other report was written "2 French prisoners, Jews."

Q Isn't it a fact that these papers weren't reports about executions which had already been carried out?

A What Detmers sent to the commandant and what also was later on entered in a special book, of that I know that these were death reports -- death sentences.

Q Did you yourself read these sentences?

A As I have said already before, there was written, "Death," "Death," "Death," number of the prisoner, "convicted of sabotage."

Q Can you give us the approximate wordage of the beginning of these death sentences?

A At one which was a short one was written "Sentenced to death for sabotage."

Q And who signed that paper?

A It was always signed by Detmers, since he was the judge in camp, and it was also signed by the commandant.

Q Who told you that Detmers was the judge in camp?

A When I was in the commandant's office there was also there a French orderly, and he told me, "This man is the judge; he is a dangerous person."

Q Did anybody else besides that French orderly tell you also that Detmers was supposed to be judge in Camp Dora?

A The others knew that also. Nothing remained hidden in our camp. They also knew that he was a tough, unfeeling person.

Q Please answer my question. Did anybody else besides the French orderly tell you that Detmers was a judge in Camp Dora?

A Whenever we got together in the block -- it doesn't make any difference now if it was Germans, Czechs, or Frenchmen -- and when we happened to talk about Detmers we also asked ourselves, "Do you know Detmers?" and the answer was, "Yes, Detmers, the judge."

Q Did you talk about Detmers to Cespiva also?

PROSECUTION: I pray the court's judgment on the length of this cross examination and what to me appears utterly immaterial matter.

DR. SEIFFR: I am of the opinion this is very material, since the witness Cespiva has also referred to the position or the function of Detmers and since the witness has stated that he knows Cespiva very well.

PRESIDENT: The objection is overruled.

(Roda-Cross)

CROSS-EXAMINATION BY DR. KAUFMANN

Q Did you know the witness, Cespiva?

A Yes.

Q Did you discuss matters with Cespiva also?

A I don't know that because we had terrible experiences in the bunker and as far as the camp is concerned I was always out of camp on some detail.

Q You have testified before under direct examination that the incident with the two Russians occurred in the summer of '44 in the roll call leader's room, is that right?

PROSECUTION: I think the dates of these two Russian episodes between the two German counsels have been asked the Lord knows how many times--three or four times the same question. Doctor Aheimer asked the same question.

DR. KAUFMANN: I withdraw the question.

QUESTIONS BY DR. KAUFMANN:

Q Did Detmers have in the summer of '44, when the incident with the two Russians occurred, his office in the same office where Boerschmer had his?

A I have already stated that at that time he had his office downstairs where Roll Call Leader Knuttler looked for him.

Q We have described an incident during which Detmers was in the office of Boerschmer and there presented a leather-bound file. How far were you away from Detmers?

A He was sitting there on a chair and I was sitting right opposite giving a manicure and at this time he handed this book, this file to Boerschmer, and Boerschmer got very excited and asked him if everybody got executed, who would do the work.

Q Did Detmers sign at that time?

A The commandant signed and he countersigned.

Q Did the commandant sign while you gave him the manicure?

A He didn't mind my presence because I was very much at home there. He interrupted my work and no signed.

Q Did Oberscharner write sitting at his desk?

PROSECUTION: I pray the court's judgment.

DR. MASSON: The witness did not answer yet my very simple question how far he was away from Oetzers while he was signing. I am trying to find this out.

PRESIDENT: The objection is sustained. The entire account of this is on page 1681 of the record.

QUESTIONS BY DR. MASSON:

Q You have also stated that you met the accused, Galenta while in Dora?

A Yes.

Q You have further stated that Galenta was wearing one of your pyjamas?

A Yes.

Q Isn't it a fact that you at first gave these pyjamas to a certain Hans Buettenenbeen?

A Buettenenbeen was working with the SD and he carried my stuff into the bunker where Galenta appropriated them as a matter of course.

Q Please answer my question. Isn't it a fact that at first you made a gift of the pyjamas which Galenta was wearing to Buettchenbach?

A Yes.

DR. MASSON: No further questions.

QUESTIONS BY DEFENSE COUNSEL:

Q You identified the accused Heibig and in doing so you said, "I know him from Belsen". Did you know him from Dora as well?

A I met him in Belsen when he came.

Q Now, you said that he was on this transport--the same transport

that you were in from Dora to Belsen. How often did you see him on that transport?

A We from the bunker were isolated because we had been car-marked to be executed yet.

Q By that you mean that you were isolated on this transport?

A We were in a special car in which nobody was allowed to enter. Of course, the car was part of the transport.

Q Did you see Heltag or did you not see him on this transport?

A I recognised Helbig in Belsen.

Q Did you know him before you arrived in Belsen?

A No. I only met him there and then I recognised him later at the picture, at the photo.

Q You didn't see him on this transport, is that correct?

A I did not see him at the transport but I saw him in Belsen in front of the canteen.

Q Why did you tell the court that you had been on the transport with him?

A When we carried away the two dead firemenmen, when Doctor Kurake diagnosed the death of the two men, then the Russian who assisted in carrying away the bodies said to Doctor Kurske, "This is the work of that gangster Helbig".

Q This carrying of these two bodies occurred at Belsen, did it not, and not on the transport?

A That occurred in Belsen and this is the first time that I learned his name, from the Russian, and this is the first time that I saw him--I did not see him at the transport.

Q I am going to read you your statement from the record from yesterday at page 1488: Questions by the prosecutio ,

"Q At the end of the camp you went on a transport, did you not?

A Yes.

Q From where to where?

A From where we were in Dora to Bergen-Belsen.

Q Which of the people whom you have recognized here were on that transport?

A Melbig."

Did you or did you not say that? Why did you tell the court that Melbig was on that transport if you had not seen him on that transport?

A I mean by that that I have seen him in Belsen and this was the answer I gave yesterday to these questions. I did not quite know what was wanted from me.

Q Then you don't know whether he was on that transport or not, is that right?

A I beg your pardon. At times it is completely impossible to concentrate, but I did see him in Belsen.

Q Well, do you know whether he was on that transport, or do you not?

A I cannot state this with certainty, but since he has been in Belsen he must have been on the transport with us.

Q And is it because of that conclusion on your part that you told the court that Melbig was on the transport, is that right?

A I have assumed since he was in Belsen that he must have been on the transport with us. Evidently this is where I made my mistake.

Q Now, I want to read something else you said about Melbig:

"Q Anybody else?

A A Killian. An SS Tech Sergeant Eckert who immediately returned, however.

Q Q I mean only of the people whom you recognized here.

A These two, Killian and Melbig. These two I remember; there were others, but I don't remember them any more.

Q Now, what happened to some of the people from this transport from Dora when they got to Bergen-Belsen?

A It is known to me that Killan received a weapon and that he shot the hungry people who tried to steal potatoes and that Helbig did the same."

PROSECUTION: Well, I pray the court's judgment. I would like to know out of that lengthy reading what is the particular part that seems to be an issue--what does he expect to answer or deny. There are 3, 4, 5, or 6 questions and answers in there.

DEFENSE COUNSEL: If it please the court, the answer to that is very obvious. This witness has testified that he knew that Helbig shot some people on that transport; that Killan did; and that Helbig did so.

PROSECUTION: He didn't say anything of the sort. He says he shot at Bergen-Belsen.

DEFENSE COUNSEL: Oh, I see. I withdraw my question. I am sorry. I misread it--when they got to Bergen Belsen--I thought that took place on the transport.

QUESTIONS BY DEFENSE COUNSEL:

Q Now, it is a fact, however, is it not that the first time you saw Helbig was at Belsen?

A I saw him for the first time in Belsen.

Q What were his duties in Belsen--what was he doing there, do you know?

A All I know is that he was terribly busy chasing people who were stealing potatoes and then he shot those two men and then he took those 150 men on the transport.

Q Now, did you see him on any other occasion at Belsen other than this?

PRESIDENT: Just a minute, please, Major. Did the witness complete his answer? I notice you place your hand on his arm to stop him.

THE WITNESS: I told the court whatever I can. If there are any further questions I will be very happy to answer.

PRESIDENT: Continue.

(Boudet-Cross)

QUESTIONS BY DEFENSE COUNSEL:

Q Now, with the exception of this occasion which you say, you allege that you saw these two people stealing potatoes, on what other occasions did you see Melbig at Belsen?

A I know further what I have heard from Dr. Kurzke, namely, that he shot people for pity reasons.

Q Please answer my question. What other days did you see him at Belsen in addition to this day when this occasion occurred?

A I saw him on a Saturday or a Sunday--that was before the British liberated us.

Q Do I understand then that you saw Melbig on more than one day at Belsen, is that right?

A I saw Melbig on two occasions, once when he shot the two men and the second time was when he took the 150 away, otherwise, I did not see him.

Q You testified on direct examination that one of those occasions was on the 15th of April--that was when the alleged shooting of the two men was done and the other occasion was on a Saturday to Sunday shortly before the camp was occupied. Are those the two times when you saw Melbig?

A I was misunderstood. On the 15th we were liberated and the day before he shot the two men and he also on the same day took the 150 away.

Q And was that on a Saturday or a Sunday?

A Since we have been liberated on a Sunday, consequently, this must have been on a Saturday.

Q Now, you are sure that the man you are talking about who did the shooting and who conducted these 150 men away was the accused Melbig, is that right?

A There were many of us standing around when they had the 150 men line up.

Q Are you certain that the man about whom you have testified who did both of these acts is the accused, Melbig, who is now sitting in the dock whom you identified?

A Yes, I have recognized him.

Q And you are absolutely certain, are you, that the accused Helbig did these things in Belsen; is that right?

A I am absolutely certain I have seen him, he shot those two men and I have seen him when he conducted those 150 away. I am 100% convinced of that.

Q And you are absolutely certain that this occurred on the day before liberation; is that right? On the day before your liberation?

PROSECUTION: That has been asked, may it please the court, within the last two or three minutes, by my honored opponent, the Major.

DEFENSE COUNSEL: It has been asked; I will concede that. I am trying to find out to a certainty that this witness is willing to testify to that.

PRESIDENT: Are you stating an objection; Colonel?

PROSECUTION: Yes, I certainly meant to.

PRESIDENT: The objection is sustained.

Q Now let's talk a little bit about the shooting of these two Jewish prisoners that you say were shot for stealing potatoes. How many men did the shooting?

A The two men who were shot, the two French Jews, were shot in the abdomen and we carried them away.

Q How many men did the shooting?

A In front of me he shot the two men and according to what Dr. Kuske told me he shot some more.

Q Now by "he", you mean Helbig, is that right?

A Helbig, yes.

Q And who else was doing any shooting besides Helbig?

A We no longer went down to the canteen, because we were afraid that we might be taken away also, and we went to the barracks where the bread was issued.

Q Did you see anybody else besides Helbig shoot these two prisoners?

(Benda - cross)

A I have already stated three times that I saw Helbig. What other prisoners have seen, let them testify to that themselves.

Q Did any other SS man shoot at these two prisoners?

A But that was Helbig. How could another SS man be present there?

Q When the shots were fired there were three people present at the actual firing, the two prisoners who were shot and Helbig; was there any one else in the immediate vicinity?

PROSECUTION: I pray the court's judgment. He said he was the witness.

DEFENSE COUNSEL: I will withdraw the question.

Q Did anybody assist or help Helbig in the shooting of these two prisoners?

A No, he came running by himself. He was alone.

Q Now when you saw him running towards you, you ran away, didn't you?

A Yes, we run about 20 meters away from there and he immediately shouted into the basement down to them.

Q And then did you stop when you heard that shouting?

A It is already in the record that he shot those who stole. He did not do anything to us.

Q My question to you is: When you heard the shouting, or at any time, did you stop and turn around and look to see what was happening?

A I have already said that we stopped approximately 20 meters away from there at the side of the road and we saw how he shot those two people.

Q Did you stop before you heard the shooting or after you heard the shooting?

A We stopped because we thought he wouldn't do anything to the two French Jews.

A I have already stated three times that I saw Helbig. What other prisoners have seen, let them testify to that themselves.

Q Did any other SS man shoot at these two prisoners?

A But that was Helbig. How could another SS man be present there?

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Q And then did you stop when you heard that shouting?

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Q My question to you is: When you heard the shouting, or at any time, did you stop and turn around and look to see what was happening?

A I have already said that we stopped approximately 20 meters away from there at the side of the road and we saw how he shot those two people.

Q Did you stop before you heard the shooting or after you heard the shooting?

A We stopped because we thought he wouldn't do anything to the two French Jews.

Q Did you stop before you heard the shooting or after you heard the shooting?

A We stopped. The two men came out of the basement. He shot twice and then he continued to walk into the opposite direction.

Q Why did you run away in the first place?

A We were afraid that if we would stop at the basement he would shoot us two. He was excited.

Q And you mean to tell the court that in that state of fear you stopped 20 meters away from where this man was?

A If somebody run away 20 meters that means it is better for him then to stand right there at the window.

Q Well, now, you knew, did you not, that stealing food was punishable by death; isn't that so?

A Whenever somebody was caught right in the act of stealing then he was a criminal, that is right, but if they were simply standing around he couldn't prove that we had been stealing.

Q Weren't you afraid that this SS man who ran up would recognize you at 20 meters distance, if you stood there looking, as an interested spectator?

A We realized a hundred per cent that it could have happened to us also, and an hour later that we might be shot instantly. We didn't care any longer at all, because we were expecting to be liberated by the British any minute.

Q You say that Helbig fired two shots at each man; is that correct?

A Yes.

Q And he shot them both in the stomach, is that correct?

A In the stomach, just like Dr. Kurske has stated.

Q And when he shot the first an, what did the other man do,

just stand there and wait to be shot too?

A That only took a second.

Q Do you mean to tell the court that the second man made no effort to escape after the first man was shot?

A The people were so weak already that it didn't make any difference any more to them if they were shot or not. As a matter of fact, they waited to be shot.

Now didn't these other two prisoners know that they were going to be liberated within a few hours by the English?

A Yes, that is right. Yes, they knew that, but if a person did not experience hunger in the concentration camp he will never understand the conditions which existed there.

Q In other words, you want to tell the court that one man was shot and the other man made no attempt to escape; is that right. He has never answered that question; I am sorry.

A That is always the same question. I have answered this already perhaps ten times.

Q Did the second man try to escape after the first man was shot? Will you please instruct the witness to answer that question yes or no?

PROSECUTION: This time I have heard the question; I object. It has been asked and answered and the man says "No."

PRESIDENT: Has the question been translated to the witness?

INTERPRETER FRANKL: No, sir.

PRESIDENT: Read the question to the witness. Translate the question to him and the court will do the instructing.

(The question was translated by Interpreter Frankl.)

PRESIDENT: Does the witness understand the question? Translate that to him?

A Yes.

PRESIDENT: Answer the question yes or no.

A No, he didn't try to escape. It was useless.

PRESIDENT: The court instructed that the witness answer the question yes or no.

A No, he didn't escape.

PRESIDENT: The court will recess for fifteen minutes.

(The court recessed at 1500 hours.)

(The court reconvened at 1515 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all the members of the court are present, the prosecution and the defense are represented by counsel, all of the accused are present, the court interpreters and the court reporter are present. The witness Bouda was on the stand undergoing cross examination at the close of the last session.

JULIUS BOUDA, called as a witness by the prosecution, having been previously sworn, resumed the stand and testified further through an interpreter as follows:

PRESIDENT: The witness is reminded he is still under oath.

WITNESS: Yes.

CROSS EXAMINATION (Continued)

QUESTIONS BY DEFENSE COUNSEL.

Q No, Mr. Bouda, this question of 150 prisoners who were marched off to have their clothes stolen from them, I believe you testified that Helbig was the SS man in charge of this transport; is that right?

Q Now Mr. Bouda, this question of the hundred and fifty prisoners who were marched off to have their clothes stolen from them. I believe you testified that Helbig was the SS man in charge of this transport, is that right?

A Yes.

Q Do you mean to tell the court that the SS took those 150 people and killed them just to take their clothes away?

A I have already told the court that seven of those prisoners returned and they told us that the others wereshot and that the SS took their clothes.

Q Did you not say that the reason they were shot was that the SS could disguise themselves as prisoners?

A Yes, this is what I have stated here in court.

Q Now do you meanto tell the court that the SS men had to shoot these people in order to take their clothes away from them?

A I have told here what I have heard from other people.

Q You did not witness any of this incident yourself, is that right?

A No.

Q How do you know why the seven men who came back were not shot?

A One of them, a certain Wise told me that these seven had succeeded in escaping.

Q You stated that during the transport you were isolated because you were earmarked for execution. How does it happen that you were isolated at Belsen?

A The commandant Hoessler had issued the order that we were to have the run of the camp.

Q Did you know the prisoners Kurt Sonnenfeld?

A I don't remember this name.

Q Now I am going to ask the court to indulge in the line of questioning which I am about to undertake. I recognize that it has partially been covered by German counsel but I feel it my duty to cover some points that I believe they did not cover as fully as they might.

PROSECUTION: I am going to take exception to dual cross examination on the same subject matter. It is about time, I submit to the court, that the accused take their stand on who is going to be their lawyer. It would have been much easier if at the end of a cross examination for a particular accused that the Major then suggested additional questions to be asked. This business of going back and forth I submit is asking a little bit too much.

PRESIDENT: The defense will continue.

QUESTIONS BY DEFENSE COUNSEL:

Q You have testified both on direct and cross examination that the capo Franz, the capo from the crematorium told you that the burning of these two American airmen had taken place on the night before the Christmas holidays, is that right?

PROSECUTION: I object.

DEFENSE COUNSEL: I will withdraw the question.

Q I should like to read your answer from yesterday's record on page 1478.

> "A The capo from the crematory, his first name was Franz, and I knew him personally. He brought me some bread into the dispensary. I was so weak that I could not ask him any questions, but I only asked him one question. I asked if he would know what happened to the two high ranking American officers. He replied, "I know it but I am afraid to tell you." Then I replied that he should not be afraid because I probably would know more than he would and then he replied that he knew that in the night before the Christmas holidays for 1944 that he had to leave the crematory and that he had to leave the crematory and that he had received the order which a higher SS officer that nobody was to be admitted to the crematory."

Now that is correct, is it not?

yaue6ucee

A Yes.

Q Is it your understanding from this statement which you say the capo Franz made to you that these burnings occurred the night before Christmas or very close to the Christmas holidays.

PROSECUTION: I pray the court's judgement. He is being asked what his opinion is to what somebody else meant by what somebody else said. That is, in my opinion, decidedly objectionable.

DEFENSE COUNSEL: If it please the court, we are in a position here where hearsay evidence is admissable. I think we are entitled to ask what he understood by this hearsay evidence. At least we should know the story he did get from it.

PRESIDENT: The objection is overruled. The witness will answer the question.

THE WITNESS: I come to the conclusion that the affair must have happened before Christmas holidays of 1944 because Feerschner had that ring on his hand.

Q You testified, did you not, that you saw the ring on Feerschner's hand the last part of November, isn't that so?

A Yes, I have said that.

Q Was Maischein supposed to have taken this ring from the hand of the American at the time of the cremation?

A According to what the capo Franz told me Maischein is alleged to have done that.

Q Yet you saw this ring on the hands of Commander Feerschner in late November, is that right?

PROSECUTION: I pray the court's judgement. That is the second time that question was asked in the last two or three minutes.

DEFENSE COUNSEL: I will withdraw the question.

Q Now you also testified, did you not that the capo Franz told you that he was going to mention this matter of the two combinations or flying suits to Doctor Chespiva, is that so?

A Yes, and I have stated th s for the record, that Franz told me he would tell it to Doctor Cespiva wherever he would meet him as well as Doctor Kahr.

Q It is a fact, is it not, that at that time Doctor Cespiva was in the bunker?

A At that time the medical personnel came into the bunker in order to bandage the prisoners in the bunker and at that occasion messages changed hands.

Q Do you mean by that then that the capo Franz, the crematorium capo, could enter the bunker?

PROSECUTION: I pray the court's judgement. That is not additional to what the other people asked, it is the same thing over again.

DEFENSE COUNSEL: To my knowledge noone has asked whether the capo Franz could enter the bunker or not.

PRESIDENT: The witness will answer the question.

THE WITNESS: What I mean to say is that he had an opportunity to tell it to the people who entered the bunker in order to bandage the people in there.

Q You have testified, you say, that you were too weak to talk at length butthat you did ask the capo Franz one question, namely what had happened to the two american officers?

A Yes, I did that.

Q When the two American officers left the bunker at Nordhausen allegedly in the company of Kaschein you had no idea or knowledge that they were going to be cremated did you?

A I had come to the conclusion that they would be exterminated as soon as they would fall into the hands of those gangsters.

(Bouda-cross)

Q You drew that conclusion simply from the fact that they left in the company of Maischein and this other officer, is that right?

A I always knew from the Czech Salak who was working in the kitchen that Maischein was a party to those secret burnings and cremations.

Q You came into the dispensary in January, isn't that correct?

A I came to the dispensary on the 31 of December.

Q And these American flyers were taken out of the bunker on the 4th or 5th of November you testified, isn't that so?

A I was asked what made me form my opinion as to the fate of the two American flyers and to that I have answered that I knew already from camp from Salak what had happened.

Q You testified that those two flyers were taken out on the 4th or 5th from the bunker. My question to you is this: Do you want the court to believe that two months later on the 31st of December and in your state of weakness, where you could only have one question to ask this capo, that the one question was after the fate of these two American flyers--is that right?

A I was interested in the case because I had seen the ring.

Q You have testified that you saw sabotage reports signed by the accused Mickhey and by a French capo Cerele, is that right?

PROSECUTOR: I pray the court's judgement. That is surely not a new question. I object.

DEFENSE COUNSEL: I will withdraw the question.

Q You have testified that you saw sabotage reports signed by the Director Mickhey and by the French capo Cerele. Do you want the court to believe that a General Director would have a prisoner capo sign reports in conjunction with him?

A It is a continuous repetition of questions and I beg the court to consider that for 17 months I have been ill and if this keeps on I am going to be sick again.

PRESIDENT: The best way for the witness to get out of this courtroom is to answer the questions that are put to him as briefly as he can.

Did the witness understand the last question?

THE WITNESS: Yes.

DEFENSE COUNSEL: Will you please answer my question?

THE WITNESS: Yes, because if he complains with the commandant that means that it is sufficient.

Q Now, isn't it a fact that all sabotage reports and all matters pertaining to sabotage were handled by the SD in camp?

A If the commandant wanted to take some action he had to notify the SD, but it was also sufficient if Rickhey notified the SD.

Q Now, you testified that these reports were sent in to Foerschner, did you not?

A Yes, to Foerschner.

Q Foerschner was not in the SD, was he?

A Yes, but he had the authority to do as he pleased.

Q Now, did you ever hear of a prisoner in the camp with the nickname of Lucy? The girl's name Lucy?

A Not that I know of.

DEFENSE COUNSEL: I don't believe my whole question was translated. I said "with the girl's name Lucy."

A I don't know that.

Q Isn't it a fact that that was your nickname in the camp?

PROSECUTION: I pray the court's judgment.

DEFENSE COUNSEL: I will withdraw that question.

Q Isn't it a fact that you were sent to a concentration camp after a conviction for homosexual practices?

PROSECUTION: I pray the court's judgment.

DEFENSE COUNSEL: Well, if the court please, that is a proper method of impeachment for conviction of a crime, and it has to be a crime involving moral turpitude, and if that is not a crime involving moral turpitude, then I don't know which one is.

LIEUTENANT JONES: If the court please, the test for a felony is whether it involves imprisonment for a year or more.

DEFENSE COUNSEL: I invite the court's attention to Section 434 of this Memorandum on Impeachment.

(BOADA-Cross)

PRESIDENT: The court will be closed.

(Whereupon the court was closed at 1555 hours.)

* * *

(Whereupon the court was opened at 1620 hours.)

PRESIDENT: The court is opened.

PROSECUTION: Let the record show that all members of the court are present, all of the accused are present, prosecution and defense are represented by counsel, the reporter and the interpreters are present.

At the end of the last session the witness Sauda was under cross examination.

PRESIDENT: The witness is reminded he is still under oath.

JULIUS SAUDA, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, testified further through an interpreter as follows:

(Whereupon the proceedings were translated into the German language.)

PRESIDENT: Will the reporter read the last question?

(Whereupon the question referred to was read by the reporter as follows:

"Question: 'Isn't it a fact that you were sent to a concentration camp after a conviction for homosexual practices?'")

PRESIDENT: The objection of the prosecution is overruled. The witness will answer the question.

A I was not sent to the concentration camp for homosexual practices. I can prove it and I can bring witnesses and I have papers to that effect.

DEFENSE COUNSEL: If the court please, we have no further questions for this witness. However, the defense feels that it is its duty in the interest of justice to correct an error which we made earlier today. A question was asked of this witness -- whether or not he had offered his services through Dr. Frankl to testify for one of the accused. Upon investigation of that report, I find that it was based upon hearsay evidence,

which is dangerous at best, and seems to have no foundation or truth. And we would like to enter that for the record at this time.

PRESIDENT: The statement of the defense counsel will be noted in the record.

PROSECUTION: I want to thank the defense for their generous act, but I would like to add this: That inasmuch as that still leaves it as having been based on hearsay -- but still hearsay -- perhaps, if the court is interested, it would just take two minutes to have Dr. Frankl to tell the court just what did happen.

DEFENSE COUNSEL: The defense has no objection to having further testimony on that, but we do want it clearly understood that -- it was not clearly understood from my prior statement -- that we did investigate it, and it has no foundation and fact.

PROSECUTION: That statement satisfies me. Thank you very much.

PRESIDENT: The court sees no necessity for any further testimony on this matter.

PROSECUTION: Are there any questions of this witness by the court?

PRESIDENT: Colonel Benson.

EXAMINATION BY THE COURT

QUESTION BY COLONEL BENSON:

Q Who was in charge of the transport that you went on from Dora to Bergen-Belsen?

A Originally Deckert was in complete charge, but then he returned and an SS First Lieutenant was in charge. Killan must know his name.

PRESIDENT: There are no further questions by the court.

PROSECUTION: I ask that this witness be permanently excused.

PRESIDENT: Does the defense have any objection?

DEFENSE COUNSEL: We have no objection.

(Witness-Court)

PRESIDENT: The witness may be permanently excused.

(Thereupon the witness was excused and withdrew.)

PROSECUTION: I have a very short witness. His name is Joseph Coune.

JOSEPH COUNE, called as a witness by the prosecution, took the stand and being first duly sworn, testified through a French interpreter as follows:

(Thereupon the proceedings were translated into the German language.)

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q State your full name, please.

A Coune. C-O-U-N-E.

Q Full name, I asked for.

A Joseph Gasto.

Q Now, where do you live?

A At Liege, Belgium.

Q How old are you?

A 46 years old.

Q Your nationality?

A Belgian.

Q Your civilian occupation?

A Demobilised Belgian officer.

Q Were you at one time a prisoner in Dora?

A I arrived at Dora on 17 July 1944.

Q How long were you there?

A I stayed there until 1st April 1945.

Q During the time you were in Dora, who was in charge of the prisoners' post office?

A A man Andrae.

(COUNE-Direct)

Q Will you look around the room and tell the court if such a man is or is not in this room?

A (Indicating) The second one.

Q Will you go over there and point to him?

A (Complying) This one.

PROSECUTION: Let the record show the witness has identified the accused Andrae wearing placard Number 1.

Q Will you tell the court your personal, only your personal experience with Andrae?

A When we came back from working in the tunnel -- we came back after having worked either on the day crew or on the night crew -- when we came back from the tunnel, especially when we came back from the night crew--we came back at about half past 7 or 8 o'clock in the morning to the camp.--the secretary of the block designated some men to go and get some parcels. Accompanied by the secretary, they went to the post office.

Q Let me interrupt you. I am not asking you to testify about "they" but to tell about your own experience.

A I went myself to the post office.

Q Tell what happened.

A And we were to take out some parcels, or, rather, I had to take out some parcels with the secretary. I went one Sunday morning to the post office to get some parcels during the month of September 1944. I saw -- and that was probably unfortunate for me -- that there was one parcel there for me. With Andrae also at the post office there was a Belgian who also worked at the post office. This Belgian's first name was Victor. Knowing that he was a Belgian, I told him, "I am happy to have a parcel." This Belgian answered, "Take these parcels away fast. You will see after that if there are any parcels for yourself." Not going fast enough in taking the parcels away, because there were only

four of us there, and seeing that I was talking with the Belgian, Andree intervened. I was at that time on the outside of the post office, and there was a small window there. The parcels were on a table which was on the lefthand side. Andree spoke to me and I had to put my head inside the window as if to take the parcels, and it is at that time that Andree made some remarks to me in German which I did not understand, and it was also at that time while I had my head inside the small window that Andree pushed me.

Q How?

A On the face.

Q Anything else?

A With his closed fist. Yes, on another occasion I was supposed to receive a parcel weighing five kilos.. I say I imagine it weighed five kilos because the list of the contents was still on the wrapping.

Q Now, does this package have anything to do with Andrae and if it does tell it, and if not, I will ask another question.

A The incident is the following, it is that out of the five kilo package I received one piece of shaving soap of this size (indicating). Having taken this parcel to the block and having complained to the block chief about it, he sent me back to the post office so that I would make my complaint there.

Q To whom did you make it?

A To the block chief first, and then afterwards I went to the post office in order to complain and to ask where the rest of the parcel was.

Q With whom did you speak at the post office?

A At the post office first was the Belgian, Viktor.

Q Did you talk to anybody else?

A And Viktor transmitted what I said to Andrae who came to the small window. Knowing that I had been beaten before while getting packages, the secretary who came up behind me pushed me into the small window and I was beaten again by Andrae.

Q What form did this second beating take?

A On the face, the only part of me which was there was my face because I was in the small window.

Q Did Andrae say anything to you?

A Andrae did not say anything, he just beat.

PROSECUTION: Your witness.

CROSS EXAMINATION

QUESTIONS BY DR. KENNER:

Q Isn't it a fact that in Dora mail was never delivered on a Sunday?

A On Sunday, some other days we worked, and the parcels were distributed on Sunday as well as on any other day.

Q Isn't it a fact that parcels were only distributed in the afternoon between 4 and 5:30?

A The parcels were not only given out between the hours of half past four and half past five, they were given out all day when there were some to be given out. They were given out on the orders of the block leader.

Q Did the block leader have anything to say to the post office in regards to the distribution of mail--of parcels?

A The block leader had the right to complain eventually.

Q Which block leader was it you are talking about, was he an inmate or an SS man?

A The block leader who was a prisoner just like us.

Q If I understood you correctly, it was not the block leader but the block oldest, is that right?

A The block oldest for us, he was a block leader.

Q Isn't it a fact that beginning with the first of May 1944 not a single person was working in the post office on Sunday's?

A The Belgian, Andreas, and other SS men were present in the post office on Sunday.

Q What was the last name of the Belgian, Viktor?

A I don't know--I never knew it. I think that he was killed in a transport because of his dishonest acts.

Q Killed by whom?

PROSECUTION: I pray the court's judgment. What has that got to do with it who killed the Belgian?

PRESIDENT: The objection is sustained. The witness will not answer the question.

QUESTIONS BY DR. [illegible]:

Q Did you yourself fetch the parcel which was supposed to have weighed

five kilo,ra.s from the post office?

A dyself--in which there was only one piece of soap and the parcel was tent flat. The cardboards were stuck one into the other, and that was a parcel which came from my home.

Q Was the clerk who pushed you into the window a prisoner?

A Not only was he a prisoner, he was a Czech, and he was a very bad man, and he pushed me in there on purpose.

Q What was the name of that Czech?

A I couldn't say his name; he was tall, old.

Q In which block did you live at that time?

A Block 11.

DR. EARR: No further questions.

DEFENSE COUNSEL: No more questions by the defense.

PROSECUTION: Any questions by the court?

COLONEL BURCH: Yes, I would like to ask one.

PRESIDENT: Colonel Burch.

EXAMINATION BY THE COURT

QUESTIONS BY MEMBERS OF THE COURT:

Q Did you ever receive any Red Cross packages while you were in Camp Dora?

A We received a few times some parcels from the Geneva International Red Cross.

Q Were those packages complete when you received them?

A Those packages were always incomplete.

PRESIDENT: There are no further questions by the court.

DEFENSE COUNSEL: One further question, if I may.

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q Do you know that it was forbidden by the postal regulations and the camp regulations for the prisoners to come into the room in which you stuck your head or put your head into the window?

A It was forbidden to go into the post office because it was outside the camp, but we had to go into this sort of frame opening in order to get our parcels.

PROSECUTION: The prosecution requests that this witness be permanently excused.

DEFENSE COUNSEL: No objection.

PRESIDENT: The witness will be permanently excused.

(Whereupon the witness was excused and withdrew.)

PRESIDENT: The court will recess until 9 o'clock tomorrow morning.

(Whereupon at 1650 hours the court adjourned until 0900 hours, 12 September 1947.)

* * * *

MILITARY GOVERNMENT COURT

CASE RECORD

VOLUME 24
Pages 1556 - 1617

CASE NO. 000-50-37

PROSECUTOR Cols. Wm. Harman

DEFENSE COUNSEL Maj. L. Foullada

SUMMARY OF MILITARY GOVERNMENT COURT

GENERAL

INTERPRETERS Nelly Singer, Roland Carroll

PLACE Camp Dachau, Germany

REPORTERS Peter L. Li Curti
Gloria M. Spears
Eunice L. Hasdorff
Mabel D. Holt

DATE 12 September 1947

WITNESSES

JACOB MITT MAUELL A

ACCUSED A. DRAB ET AL.

ADDRESS _____ SEX _____ AGE _____

	FIRST CHARGE	SECOND CHARGE
PLEAS		
FINDINGS		
PREVIOUS CONVICTIONS		

Corrections
Page ~~1562~~
~~1563~~
~~1566~~
1575
1580
~~1583~~

IMPRISONMENT (TERM _____
(BEGINNING _____ 194_____

SENTENCE

FINE AMOUNT _____
TO BE PAID BEFORE _____ 194_____
FURTHER TERM OF _____ IMPRISONMENT

CHARGE SHEET AND RECORD OF TESTIMONY ARE ANNEXED HERETO.

_____
SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY _____

_____

_____
SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

RECORD OF TESTIMONY

in trial of

THE UNITED STATES versus ARTHUR KURT ANDRAE, et al

by

GENERAL MILITARY GOVERNMENT COURT

tried at

CAMP DACHAU, GERMANY BEGINNING 7 AUGUST 1947

12 September 1947 Pages 1556 - 1617

TESTIMONY

WITNESSES:	Direct	Cross	Redirect	Recross	Court
JAKOB MITTERMUELLER	1556	1581	1612	1615	

MORNING SESSION

(Whereupon the court reconvened at 0930 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all the members of the court are present; all of the accused are present; the prosecution and defense are represented by counsel; the court reporter and interpreter are present.

There is a new witness to be called. Jakob Mittermueller.

JAKOB MITTERMUELLER, called as a witness by the prosecution, being first duly sworn, took the stand and testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION:

Q What is your full name?

A Jakob Mittermueller.

Q Where do you live?

A Schiffweiler in the Saar.

Q How old are you?

A 54 years old.

Q What is your nationality?

A Stateless. I have no nationality anymore.

Q What was your nationality?

A German.

Q How does it happen that you are now stateless?

A During the time of the Nazi regime they took my citizenship away.

Q Why?

A Because I was a political opposer of the Nazi regime and because I worked against the Nazis in foreign countries.

Q Were you at one time a prisoner at Dora?

A Yes.

Q From when to when?

A From the 6th of September, 1943 until the 26th of October, 1944 I

was in Dora. Later on I was in Ellrich until the end.

Q When you were in Ellrich from November, 1944 until when?

A From the 26th of October, 1944 until the 5th of April, 1945 when we were evacuated.

Q What were your duties at Dora?

A I was a camp capo in Dora.

Q What were your duties in Ellrich?

A In Ellrich I was also a camp capo for several weeks but then I was released and I came into the bunker.

Q Where was the bunker?

A In Ellrich.

Q Who was the camp commander of Ellrich at the time you were in Ellrich?

A The commandant in Ellrich at that time was an SS Captain Stuetzler or Stutzler.

Q Was Stuetzler there toward the end in '45?

A Yes.

Q Who was the lager fuehrer?

A When I came there there was the SS Second Lieutenant Ritz and an SS Technical Sergeant Gaudeck.

Q Who came after Ritz?

A After Ritz came Brinkmann.

Q How long was Brinkmann there?

A Brinkmann was there until the end.

Q When did he come to Ellrich?

A Brinkmann came to Ellrich around December. It could have been the end of November as well. I can't remember that exactly.

Q I think he mentioned the year.

A 1944.

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Q Now will you look around the courtroom and tell the court if there are any people in the room whom you met either at Dora or at Ellrich and in order to do that you have the right, if you want, to walk around the room.

A This is Heinrich. I saw him in the political department in Dora.

PROSECUTION: Let the record indicate that the witness has identified the accused Heinrich wearing placard number five.

A That is Andrae.

PROSECUTION: Let the record indicate that the witness has identified the accused Andrae wearing placard number one.

A That is Braumy.

PROSECUTION: Let the record indicate that the witness has identified the accused Braumy wearing placard number two.

A I don't know him. (Indicating) I don't know him as well. (Indicating) That is Buehring.

PROSECUTION: Let the record indicate that the witness has identified the accused Buehring wearing placard number four.

A That is Jacobi.

PROSECUTION: Let the record indicate that the witness has identified the accused Jacobi wearing placard number nine.

A That is the hangman Kilian.

PROSECUTION: Let the record indicate that the witness has identified the accused Kilian wearing placard number 10.

A That is Zwiener.

PROSECUTION: Let the record indicate that the witness has identified the accused Zweiner wearing placard number 19.

A That is Walenta.

PROSECUTION: Let the record indicate that the witness has identified the accused Walenta wearing placard number 18.

A He was a clerk in one of the details. I don't remember his name

anymore. He was a clerk. He was a clerk in one of the details but I only know him. I know nothing more about him.

PROSECUTION: Let's pass him up.

A That is Moeser the camp leader.

PROSECUTION: Let the record indicate that the witness has identified the accused Moeser wearing placard number 13.

A I don't know him. I know he was in the SS dispensary.

Q Do you remember his name?

A I think it may be Maischen. I am not sure of his name. I know him only from the dispensary. Several of my people had to go there and I went there. That is how I went there.

PROSECUTION: Let the record indicate that the witness has identified the accused Maischein wearing placard number 18.

A That is the Labor Service Leader, later on the Labor Allocation Leader Simon.

PROSECUTION: Let the record indicate that the witness has identified the accused Simon wearing placard number 16.

A That is Brinkmann the camp leader.

PROSECUTION: Let the record indicate that the witness has identified the accused Brinkmann wearing placard number three.

A From Ellrich. That is Koenig.

PROSECUTION: Let the record indicate that the witness has identified the accused Koenig wearing placard number 11.

Q Now you have identified the accused Buehring. Will you tell the court what you know about Buehring?

A In the last few days that I was in Dora I was in the tunnel for two days. I was supposed to make a control there. The people were running one among each other and I was to control it. The people were carrying these kettles which went into the V-1 or V-II.

Q What were these kettles made out of?

A I believe they were made of aluminum.

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Q How big were they?

A Perhaps a diameter of one meter forty, one meter fifty, perhaps one meter thirty.

Q Do you know how heavy they were?

A That I don't know.

Q Continue please.

A And Buehring came along and said I should egg them on, urge them on. Then I saw the people were all ill there. It wouldn't have been any use to try to make them speed up and I said to Buehring, "It is not any use to try to speed them up because the work wouldn't go any faster anyhow. He screamed at me and threatened me with beating and then he beat upon the people. I was only there for two days. That was on the first day already early in the morning and on the second day there were Russians or Poles. I don't remember exactly what they were. They had to go out to get some water to bring. Then he had a broken off handle. If it was from an axe or a shovel I can't remember. Then he beat upon these people. The people had been beaten until they bled and later on I heard that they had also died.

Q How many people did you say he beat on that occasion?

A Those two who had gone to get the water.

Q How many times did Buehring beat them? I mean these two people on this occasion.

A He beat in upon them like an insane person. He beat in upon them insanely.

Q Where did he hit them?

A On the head and every place wherever he hit.

Q What happened to these two people so far as you personally saw?

A What I saw is that they were lying there but I had to leave immediately because If I would have stayed there they would have beat us too.

(Mitter-direct)

Q How were they lying? Describe their positions to the court? The positions of the two people who were beaten.

A They were lying completely on the ground. They were completely covered with blood. They were lying so that I thought they were already dead.

Q Were they lying on their back or on their face or on their stomachs?

A The way they fell down. One was lying this way and on this side and the other was lying the other side with his head. (Indicating)

PROSECUTION: Let the record show that the prisoners were lying on their stomachs with their heads turned a little bit to the left or to the right.

Q How long were they there that you saw them--about?

A Well I saw how he beat in upon them, how they fell down and then later on a column came. This was a column that was used especially for carrying sick people out of the tunnel.

Q Were these two people lying there when you last saw them?

A Yes.

Q What is this column you were telling the court about?

A This was a column which used to be in my detail and as I was released from this detail because I had been too good and in the evening I asked for the men what had happened to these two.

Q We will come back to that. Tell the court what this column was. How big was this column that you are talking about and what were the duties of this column?

A That was the sick and dead carrier column from the tunnel. They were ten men and a foreman--altogether 11 men.

Q How many days a week did this column work?

A Every day from the morning until night.

Q How many hours a day did it work?

A From early in the morning, immediately after the roll call they had carts coming up. The e were complete carts full of them coming up.

Q How many shifts a day did the carry detail work?

A There was only one column but they sometimes had to work until very late at night.

Q Did you say a short while ago that this column was a part of your detail or your commande?

A It was in my detail, yes.

Q How many dead bodies a day, would you estima e on the average this column carried out of the tunnels of Dora?

DEFENSE C NSEL: If it please the court, it may be that the prosecutor int nds to tie thi up with one o the accused. This is evidence on general conditions again. I think that we have heard enough testimony on general conditions in this court and about how many dead bodies were carried out of court to last us for a long time. Since, on cross examination, our questions have repeatedly been objected to on the ground that they are repetitious now I should like to interpose the same objection at this time.

PRESIDENT: Does the prosecution intend to connect this testimony with one or more of the accused?

PROSECUTION: I never knew that I had somebody in charge of this detail. I thought I would ask him how many and then he would say what the figure was and I would have been through with it. It was something new to me and I thought I would take advantage of it by asking him his estimate. I will withdraw the question.

PRESIDENT: No. The court is perfectly willing and would like to hear the answer to this question.

PROSECUTION: That is as far as I intend to go.

DEFENSE COUNSEL: We will withdraw our objection, if it please the court.

PROSECUTION: I wasn't going into the general conditions. I had no such intentions.

PRESIDENT: All right. Go ahead.

QUESTIONS BY THE PROSECUTION:

Q Will you give the court an estimate, as best you can, of how many dead bodies on the average, this dead carrying detail brought out of the tunnels from Dora daily?

A From October until February, March, even April, 1944 every day at least 30 to 40 minimum.

Q What estimate can you give of the daily figure from April '44 until the time you went to Ellrich?

A There were less then, approximately six to seven. These were the dead but the others came out ill and then they died up above.

Q What else can you tell the court about Buehring?

A Oh---

Q I am sorry, I withdraw that. I think you started to say that later on in the day that these two Russians or Poles were beaten by Buehring you asked your commando what happened to these two people, is that correct?

A When we came into the camp in the evening I still visited there in the barracks where I had worked before and the foreman told me there were mostly only Frenchmen and Russians in this detail. They told me that these two were dead.

Q How do you know that these two the capo or the foreman told you about were the two people you saw Buehring beat?

A Those were those two who Buehring had beaten.

Q How do you know they were the same two was my question.

A Because the column was standing there picking them up and loaded them on to the cart and brought them up. That is why.

Q Do you know anything else about Buehring?

A No. That he beat the people, that I know, but this particular incident I know exactly.

Q Now you also recognized Jacobi. What can you tell the court about Jacobi?

A That is the biggest bandit who I have ever seen.

Q Never mind the adjectives. What can you tell the court specifically about him.

A In October, 1943 mass beatings occurred and there was Jacobi. He actually shouldn't have been present at these beatings because he was the work shop leader. He pushed himself forward actually to beat these people. He, together with Koenig, took boards, one meter 60 to one meter 80, two and a half centimeters thick an 10 centimeters wide and then beat in upon these people. When they stood there and laughed at them and boasted about their deeds that they were doing there.

Q How many people in this crowd?

A On this day approximately 40.

Q What happened to them?

A There were six people from my detail present.

Q Tell the court about your commando?

A There were six people from my detail. They were severely beaten. four of them were beaten until they died--I mean bled. They were bleeding from their kidneys so that they had to be taken to the dispensary.

Q What happened to them?

A These four within the next three days, all four of them died.

Q What did they die from?

A From these beatings on their kidneys and all that was done to them.

Q By whom were they beaten?

A By Jacobi and Koenig.

Q What else can you tell the court about Jacobi?

A He stepped on the people arbitrarily wherever he happened to meet them.

Q When you were talking about Koenig. Can youtell the court anything else about Koenig?

A Of actual deaths I can only speak about these four people who were beaten to death by Jacobi and Koenig. These two, if one of them was tired the other would hand the other a board or a stick or a cudgel, whatever they happened to have, and press it in the hand of the other and that is the way they changed each other off.

Q Were you ever present at a hanging in Dora?

A Yes.

Q Who did the hangings? Who helped in the hangings?

A They all helped. But the main hangman--first of all the political prisoners were supposed to become the hangmen but they refused.

Q Who didthe hanging, among the people whom you have recognised?

A There was another capo Kuhle. In the first hanging the political prisoners were supposed to do the hanging but they refused and then Zwiener volunteered and then he became the hangman.

Q Who refused to do the hanging. What are the names of the people who refused to do the hanging?

A George Thomas, he was from Munich and then a Ludwig Szymcak who was from Gelsenkirchen.

Q You said Zwiener volunteered. Upon what do you base that statement?

A It was stated on the roll call field that the political prisoners will be relieved of their duties and Zwiener then became the camp eldest and then also the hangman.

Q You said he volunteered. Upon just exactly what do you base

(Ritter-direct)

your statement that Zwiener volunteered to be hangman?

A Because the camp commandant, SS First Lieutenant Foerschner state that the political prisoners had refused to do it and another one is coming who will do it voluntarily.

Q Who else did hanging in Dora, that you saw?

A During the first hanging Brinkmann pushed himself forward and helped there too. He helped do something with those people. He pushed the chair away.

Q Tell the court exactly what Brinkmann did at these hangings?

A When the first hanging took place in Dora on the roll call field and the political prisoners had refused to do this Brinkmann ran around like an insane person and scolded about us and cursed about us what kind of people we were and during the hanging the people from the SS--Jacobi and Brinkmann were also there--these people, I believe there were four or five and they were all there. Jacobi and Brinkmann put the noose around their neck and Brinkmann pulled the chair out from under them, under several of them.

Q Tell the court again just exactly what part Jacobi took in these hangings?

A As the political prisoners refused to do this he personally came down to the roll call field and he put the noose around the neck of the people.

Q What part did Zwiener play in these hangings if any.

DEFENSE COUNSEL: Just a minute. If it please the court, I object to that question as being too vague as to which hanging he is referring to.

PROSECUTION: I will withdraw it.

Q Who else did you see performing hangings at Dora? You mentioned Zwiener, Jacobi and Brinkmann. Who else?

A And Kilian.

(Mitter-direct)

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Q Did you ever see any of the hangings performed by Kilian?

A Well irectly seen? Well now it is this way. I worked ith my detail in the terrain of the bunker.

Q Did you actually see Kilian do any hangings yourself?

A Yes, that I saw. That is what I say, in the bunker through the window.

Q Can you tell the court anything further about Koenig or have you finished with Koenig?

A Well that Koenig beat the people arbitrarily as well.

Q I don't care about beating. Can you tell the court anything else about Kilian in addition to the fact that you saw him perform hangings.

A He was a friend of Sander. He brought information.

Q Now you have already talked about Brinkmann participating in hangings. Where did these hangings take place?

A On the roll call field in Dora.

Q Can you tell the court anything about Brinkmann when he became Lager Fuehrer at Ellrich?

A Yes.

Q Please go ahead.

A Brinkmann came to Ellrich and three days later I was released from my detail because we political prisoners were a thorn in his eye. He was only a friend of the criminal prisoners and later on I personally was three months in the bunker. We sometimes were there 50 to 60 men. Then he came with the camp eldest--at that time Schimeck--and then they inspected the bunker and Brinkmann said, "I don't want to see him anymore."

Q What happened to the man about whom Brinkmann made that statement?

A He was then either beaten to death or drowned by Schimeck.

Q How would he be drowned?

(Mitter-direct)

A Directly next to the camp eldest's house was a small pond.

Q Describe how it was done?

A Well they threw him in there and if he wanted to get out again they kicked him and held him in with their feet until he was dead.

Q What else can you tell the court about what took place in Ellrich while Brinkmann was the Lager Fuehrer.

A There were quite terrible conditions. He was more feared than the devil.

Q Was there a gallows at Ellrich?

A There was no gallows in Ellrich.

Q Did you ever see any dead people in Ellrich?

A Oh yes!

Q Tell the court some of the reasons from which these people died whose bodies you saw?

A Due to bad food, insufficient food and this inhuman treatment. As a result of beatings many people died and for this he is responsible.

Q Any other reasons you have mentioned. You have mentioned drownings, food conditions and beatings.

A They didn't have any reason whatsoever. They simply liquidated the people and that was the end of it.

Q In addition to these three ways of liquidating can you mention any other means of liquidation?

A Yes, I saw how he shot a Russian student.

Q Who shot?

A Brinkmann.

Q Where?

A In the camp, in Ellrich.

Q When?

A That was in March, 1945.

Q Where in Ellrich did he shoot this Russian?

A Up there on the place where the dump heap was. Up there near that place.

Q Why did Brinkmann shoot the Russian?

A There was never any reason for anything. He simply arbitrarily shot him.

Q What was the Russian doing at the time he was shot?

A He was working on the detail and it was said that he was crazy, but perhaps through these conditions he became crazy.

Q What was he doing at the time he was shot? Just exactly what was the Russian doing, if you remember?

A Brinkmann together with the camp eldest, at that time Schimeck, together with several others went up there with the Russian and --well we couldn't go up there--and all of a sudden there was a shot and the Russian was dead.

Q Did you ever see or hear of any other shootings at Ellrich while Brinkmann was Lager Fuehrer in addition to the one you just mentioned?

A I didn't see it. It was said often but I didn't see it.

Q What did you hear about shootings in Ellrich in addition to what you have already said?

A During the time that I was in the bunker it was said from time to time that this one or that one had been liquidated by Brinkmann again.

Q Can you tell the court anything else about Brinkmann?

A That when he came to Dora he threatened all the political prisoners that he was going to liquidate them. He said, "Now it will become different; I will liquidate all of you."

Q You also identified the accused Moeser. What can you tell the court about him?

A Moeser was the camp leader in Dora. Most of the time he was drunk. And then I saw -- I believe it was in July or the beginning of August 1944 -- there were several prisoners down in the kitchen, and he shot two of them.

Q What was the nationality of the two he shot?

A They were foreigners. I would have to lie if I would state what they were, because I don't know -- were they Russian, Frenchmen, or Poles? -- I don't know.

Q How far away were you from the shooting?

A On the street there was perhaps 30 -- no, 40 meters.

Q What were you doing in the neighborhood there?

A In the vicinity of this kitchen my detail was placed.

Q Now describe this shooting of these two outlanders by Moeser. Tell the court in detail anything that you saw and everything that you heard.

A There were more people there. They were standing around the kitchen because they were hungry; they hoped they would be able to organize something to eat there. And Moeser came along with the head of the kitchen, at that time SS Tech Sergeant Soellner or Soellder -- I don't remember exactly -- and the two of them were pretty drunk.

Q What happened?

A Soellder had a cudgel in his hand, and they came out of the kitchen, and Moeser came out and he shot there immediately and two of them were dead.

Q How many times did Moeser fire?

A Perhaps five or six times.

Q Did you actually with your own eyes see the shooting?

A I will only tell the truth here and nothing else.

Q That wasn't my question. Did you see it?

A Yes, certainly. What I say, I have seen with my own eyes.

Q And how do you know that the two prisoners died as a result of being shot by Moeser? How do you know?

A At that time the dead carriers, this column, was still in my detail. I was still a camp capo at that time.

PRESIDENT: The court will recess for 20 minutes.

(Whereupon the court recessed at 1030 hours.)

* * *

(Whereupon the court reconvened at 1050 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present, all of the accused are present, the interpreter and the interpreter are present, prosecution and defense are represented by counsel.

At the end of the last session the witness Mittermueller was

under direct examination.

PRESIDENT: The witness is reminded he is still under oath.

JAKOB MITTERMUELLER, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, continued to testify through an interpreter as follows:

DIRECT EXAMINATION (continued)

QUESTIONS BY PROSECUTION (continued)

Q At the end of the last session I asked you how you knew that the two people who were shot by Hoeser near the kitchen were killed as a result of the shooting. Will you please answer that question?

A Those men belonging to the transportation detail -- the men who carried the dead bodies -- at that time were part of my detail and they took the men to the dispensary and when they arrived there they were reported as dead.

Q Do you know who brought these two people away from the place they were shot?

A That dead body carrier detail -- the men from my detail.

Q This dead body carrying detail -- you said that operated in the tunnel. Did they operate any place else in addition to the tunnel?

A They operated in the tunnel and also outside of the tunnel. That detail was a detail which was the official dead body carrying detail of the camp.

Q Now, you stated before and gave the names of Szymcak and Thomas who had refused to do the hanging. Can you give the court the names of any other people who were asked to do the hanging and who refused?

A On that day Brinkmann came with an SS Master Sergeant Puster. I also was lined up -- I was in ranks; we all had to line up. He then passed me and he said, "This is the camp capo; let him do it." I replied, "Those poor devils wear the same kind of clothing I wear; I will not do it." And then he slapped my face, and the SS Master Sergeant Puster said,

"Never mind this old guy; let him go."

Q What day did that happen?

A That was in the beginning of 1944 at the occasion of the first hangings, when the political camp capos were relieved.

Q Is there anything that you can tell the court about these hangings that Kilian took part in that you haven't mentioned?

A Most of the time Kilian carried out the executions in the bunker - the hangings in the bunker. Later on and it was not possible for us to have admittance there.

Q Well, tell the court if you know anything about the hangings that you saw in which Kilian played a part.

A I have testified before to what I have seen. Once when I was in the bunker area -- because the odor here disgusted me and I tried to stay away from it as much as possible, I have only once seen during a hanging at the occasion when a large tall Russian was down that the job was bungled. And then the Russian motioned to the man who did the hanging that he should shoot him; and he pointed at his temple, asking them to shoot him; and Petrers was standing with Sanders next to the man; and they laughed about it and they did not help the poor devil, they simply let it go at that.

Q Listen to my question please. I asked you if there was anything you could tell the court about hangings at which Kilian was the hangman -- hangings which you saw.

A I have seen that on one single occasion and that I have already told before, what he did in the bunker.

Q Is there anything else you can tell the court about Woeser?

A Yes. At one occasion when some people were also hung in the camp, they were taken down and they were still alive. At that occasion Woeser shot one man.

Q Did you see that yourself?

A Yes, I saw that myself.

Q Where did Moeser shoot this man?

A At the roll call field.

Q In what part of the body?

A In the head.

Q How do you know the man was still alive when Moeser shot him?

A Because he was still moving, and then he shot him.

Q Now, you also identified the accused Heinrich. What can you tell the court about Heinrich?

A In October I came to Ellrich and at that time he was still there -- I don't know -- for another two or three weeks; I am not certain about that now. At that time Heinrich was in charge of the Gestapo, or, as they called the Political Department in camp; and the people told me whenever they were called for interrogation that he had them beat severely. That is all I know and that is all I have seen.

Q Where did Heinrich go after he left Ellrich, do you know?

A That was not in Ellrich; that was in Dora.

Q Were you still in Dora at the time that these things took place that you talked about?

A Everything I talked about in connection with Ellrich refers to Ellrich and everything I spoke about in connection with Dora refers to Dora.

Q Where did you first see Heinrich?

A In Dora.

Q And how long was he in Dora before you left Dora to go to Ellrich?

A As I have said, approximately two to three weeks; I could not give you the exact day.

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Q Who was adjutant at Dora at the time Heinrich did these things you are talking about?

DR. AUSTERN: I think there was an error in the translation. The English word "adjutant" was translated as "ordnance officer."

PROSECUTION: I agree with the correction.

PRESIDENT: Well, Colonel Dorsey, some time ago it was decided in this court that the German word "adjutant" would be translated as "executive officer" and the American conception of "adjutant" would be translated as "ordnance officer."

PROSECUTION: Perhaps I had better use the German word.

Q At the time, during these two, three weeks that you saw Heinrich in Dora, who was the "adjutant" in Dora?

A As far as I know, Dotmers was the executive officer.

PRESIDENT: By that, do you mean "the executive officer"?

PROSECUTION: Yes, sir, I am using the German word.

Q Can you tell the court anything else about Heinrich that you saw or that you heard about Heinrich while you were there?

A I have heard that he had the men beaten very severely, but I have not witnessed anything myself. I went away from it as much as possible.

Q Now, you also identified Brauny. Can you tell the court anything about Brauny?

A I met Brauny already in '39 in Buchenwald.

Q Just tell about Dora.

A And I knew him in Dora, and at that time he participated in all the beatings and mistreatings and kickings the same way he did at Buchenwald. That was always the same.

Q You also identified Ilbricht. Where did you first get to know Ilbricht?

A I met Ilbricht in Dora.

Q What were his duties in Dora?

A As far as I know, he was clerk at the detail.

Q Yes, what do you know about him?

A It was said that he was a stool pigeon for the SS, respectively, for the Gestapo.

DEFENSE COUNSEL: If the court please, I believe this witness did not identify the accused Ilbricht, except as a "schreiber," I believe he said.

PROSECUTION: Yes, that's right. I move to strike out the last two or three questions. I didn't mean to be unfair; I just saw his name on this piece of paper.

PRESIDENT: The motion of the prosecution is granted, and the reference to the accused Ilbricht will be stricken.

PROSECUTION: Physically, so it won't even be shown on the record.

PRESIDENT: Yes.

Q When you first came or the witness stand, Herr Mittermueller, you picked out a man among the accused whom you recognized but whose name you didn't know. Will you please go over to the prisoners' and point to that man again?

A (Witness complied.)

Q Anybody else that you saw you recognized and didn't remember the name?

A (Indicating) This man I also know. I have also stated that before.

Q Well, go through the whole bunch and pick out the -- pick out those whom you know but whose name you don't know.

A (Indicating) And about this man I also said I don't know him. (Indicating) I never saw this man before.

Q Will you listen to my question, please?

A (Indicating) I don't know him. I seen his name outside, but I don't know him.

Q Please. I will repeat the question. This morning you picked out a man among the prisoners whom you said you knew; you ever told the court something about what work he did, but you couldn't remember his name. I am asking you once more to pick out that one single man. Look them all over.

A (Indicating) Here.

Q Anybody else? Look at them one by one.

A I have said this morning I know this man (indicating) and I know what kind of work he did, but that is all. (Indicating) I don't know him either. I never saw him either, before he came here.

Q Continue.

A (Indicating) I never saw this man before in my life.

Q Why did you stop with the man up there -- the man up there with the glasses? Go down the whole row.

A (Indicating) That is Simon; that is Ludwig.

Q What did you say his name was? The man that you just pointed at?

A (Indicating) This is Koenig; this is Noeser; this is Simon; this is Ulbricht.

PROSECUTION: Let the record show the witness has identified the accused Ulbricht wearing placard Number 17.

DEFENSE COUNSEL: If the court please, I am going to object to that identification on the grounds that before this identification was made, in the first place, there was a recess in between; secondly, the name was given to the witness in evidence, although it was physically stricken from the record -- it was given to him in connection with the duty of "schreiber," as he had already stated before on identifying the

man; and, therefore, it is very obvious he is going to connect the two things.

PROSECUTION: I am perfectly willing, if there is any question by the defense, to have the identification stricken. If the court has any doubt in their minds as to the identification, I will move to have it stricken. I am perfectly willing to question him without reference to name and identify him in another way.

PRESIDENT: The court was satisfied with the first identification of the accused, when he was described by his position in camp and not by his name. On that basis, the identification is satisfactory to the court. The prosecution will proceed.

DEFENSE COUNSEL: I should like to state for the record and point out to the court that the duties which have been described for this particular accused were performed by him at Rottleberode, not at Dora nor at Ellrich, and there has been no testimony by this witness that he was ever in that camp.

PRESIDENT: Prosecution will proceed.

Q This man with the yellow ---

DEFENSE COUNSEL: You can have the prisoner -- have him turn his number over.

PRESIDENT: If the identification is complete, I want all the placards turned with the numbers showing.

Q This man with the yellow jacket, wearing placard Number 17 -- where did you see him?

A In Dora.

Q What were his duties at Dora?

A I only know that he was clerk in the tunnel.

Q What was his status there? Was he an SS or a prisoner?

A A prisoner -- an inmate.

Q Do you know for which part of the tunnel he was a clerk?

A No, I don't know.

Q Did you ever see him in the tunnels yourself?

A No, I did not see him in the tunnel; I only saw him when he marched to or from work, and that was up in camp.

Q What do you know personally and what have you been told about Ulbricht, while he was in Dora?

A The camp detail was a detail which absorbed all the sick who came from the other details, and then the men from that detail and also other capoes told me, "Be very careful with Ulbricht; he is a stool pigeon for the Gestapo and for the SS." That is all I know about him.

PROSECUTION: I am pretty nearly through. May I have your indulgence for a moment.

Q Can you tell the court anything special about Walenta, whom you also identified?

DEFENSE COUNSEL: If the court please, in view of the fact that the witness has finished testifying now about the accused Ulbricht, I should like to request at this time that part of the record referring to the identification and testimony by this witness about Ulbricht in which the prosecutor connected the duties of the accused Ulbricht be restored to the record in order to restore and give a correct picture of the ----

PRESIDENT: The motion of the defense will be granted.

Q You identified the accused Walenta. Can you tell the court briefly anything especially you know about Walenta?

A I saw Walenta only on one day when I came to Ellrich. Later on he once came for four or five days back to Ellrich from Dora, and then it was said that Walenta is a Gestapo stool pigeon and that he has worked for the Gestapo and that he is now bunker capo, and then all the detail

stating how bad he is in the bunker. I personally have not seen anything and I was not there in the bunker at Dora.

PROSECUTION: Your witness.

Wait a minute. Sorry.

QUESTIONS BY PROSECUTION (continued):

Q Were you on a transport at the end, in April '45?

A Yes.

Q From where to where?

A From Ellrich to Sachsenhausen, Heinkel Works.

Q Did the transport end at that place?

A From the 16th to the 23rd of April we stayed at that place, and on the 23rd of April, which was on a Monday, it was said we have to get away from here because the Russians are approaching.

Q Who was the leader of the transport when it left Ellrich?

A The leader of the transport from Ellrich was Labor Commitment Leader Fickert.

Q Did you ever see on that transport any of the people whom you have identified today?

A No.

PROSECUTION: Your witness.

DR. AHEIMER: A few questions in cross examination for the accused Simon.

PROSECUTION: Just a minute, please. I don't remember asking him a single thing about Simon. Just the fact ---

DR. AHEIMER: During identification the witness has said something about the duty of Simon, and I believe I have the right to interrogate him during cross examination about this.

PROSECUTION: I object.

PRESIDENT: The objection is overruled.

CROSS EXAMINATION

QUESTIONS BY DR. AHEIMER:

Q Mr. Mitterm ueller, did I understand you correctly that you said about Simon that at first he had been Labor Service Leader and later on Labor Commitment Leader in the camp?

A I said that I met Simon as Labor Service Leader in Buchenwald and I knew him later on as Labor Commitment Leader in Dora.

Q Isn't it a fact that a certain SS Second Lieutenant Kurz was Labor Commitment Leader in Dora?

A I never saw anybody else except Simon as Labor Commitment Leader.

DR. AHEIMER: No further questions.

DR. RENNER: Cross examination for the accused Walenta and Heinrich.

QUESTIONS BY DR. RENNER:

Q You have stated that you saw Walenta only during one single day in Ellrich, is that right?

A I have said when I came to Ellrich Walenta was still there one more day. He was at that time second camp eldest, or, rather, camp eldest in Camp II.

Q Did you at that time already know his name?

A I went at that time personally into his block and I also spoke to him and we introduced each other, and later on Walenta was once more in Ellrich and at that time this was said about him.

Q Did you ever see the accused Heinrich in Dora in the Protective Custody Camp?

A I saw him several times in camp.

Q Was he an officer or an NCO?

A I believe he was either SS Tech Sergeant or SS Master Sergeant.

Q Where did you see Heinrich again?

A I did not see Heinrich again before today.

Q And where did you see Heinrich here?

A Do you mean here in Dachau?

Q Yes.

A I saw him in Dachau here this morning.

Q What was Heinrich's function or duty, in your opinion, in Dora when you saw him there for the first time?

A As far as I know he was at that time in charge of the Political Department.

Q In which building was the Political Department located?

A At the righthand side when you enter the camp.

Q Did you yourself ever enter the office of the Political Department?

A I was there several times.

Q Did you see Heinrich work there in the Political Department?

A I saw Heinrich in the Political Department at least twice. If he was working, that I wouldn't know; nobody did a thing there.

Q And at what time was that?

A That was in October '44, shortly before I came to Ellrich.

Q And Detmers was at that time executive officer, is that right?

A At that time Detmers was still executive officer of Lieutenant Colonel Foerschner.

DR. RENNER: No further questions.

QUESTIONS BY DEFENSE COUNSEL:

Q Herr Mittermueller, I understand that you left Dora in November of '44, did you not?

A Yes. Either during the two or three last days of October or during the first two days of November. I may differ by a few days.

Q Did I understand you correctly to say that you were at Dora only three weeks before that?

A Why, no; I was in Dora already since the sixth of September 1943.

Q You have testified about the accused Buehring on one occasion which I would like to call to your attention, you told the court that the accused Buehring told you to speed up this detail. Do you remember that case?

A Yes, that is for sure.

Q You were the capo on that detail, is that right?

A No, no, I was not the capo of that detail.

Q Were you just one of the workers on that detail?

A No. At the time when labor commitment leader Simon relieved me as a capo he wanted to make me a foreman in the tunnels. By that I mean that I was to control everything.

PROSECUTION: I pray the court's judgment. That word "control" is a German expression and is not the correct English translation of "aufseher".

INTERPRETER: I amended that by saying supervisor.

PROSECUTION: I would like everything he said translated.

PRESIDENT: What is the correct American word there?

PROSECUTION: When they use the word "control" they mean, make a check of the motor, engine, to see if it works right. It does not mean control as we use it.

PRESIDENT: Will the reporter read the answer?

(The answer was read by the reporter.)

INTERPRETER: "Check" would be better.

PRESIDENT: What is the correct translation?

INTERPRETER: It is mostly the sense in which he means it.

PRESIDENT: What did he mean by it?

INTERPRETER: I couldn't tell without asking him.

PRESIDENT: Ask him.

(The interpreter and witness confer in German.)

INTERPRETER: Do you want it translated?

PRESIDENT: Yes.

A About four-man detail in the tunnel. There were two men each for every eight hour shift and we were to see to it that all the details would work fast and we were there to drive them on. And since I was not fit for th t kind of work I reported myself as sick and then I was transferred to Illrich as a punishment for that.

PRESIDENT: Is th t enough?

DEFENSE COUNSEL: I think so.

PRESIDENT: Proceed.

Q Now many men were in this detail?

A There were always four or five groups who carried the kettles. The kettles were carried always by approximately 12 to 16 men.

Q Now what were Buehring's duties at that time?

A He came in the morning. I didn't know him at that time, and then he came in already yelling and shouting and hitting the people and then he came to us and there was another political comrade by the name of Hermann Tempe and he said to me,"Jakob, we cannot be a part of this." And then he also came to us and he said to us, "Listen here, you have to drive the people." And I replied to him, "If I begin to drive them now there will be lots of accidents", and then he gave me a great, heavy argument, and he shouted at me and he hit the people. That was right on the first day. On the second day it may have been around noon—

Q Just a minute. Who do you mean by "he"? Your friend, the political prisoner, or Buehring?

A You mean the one who hit?

Q Yes?

A I mean Buehring.

Q All right; now who was the capo of that detail?

A I don't remember who the capo of that detail was.

Q But there was a capo, was there not?

A Yes, there was a capo but the tunnel was a long one, the capo was outside and he either supervised some detail or he was just goofing off and then he sent the foreman in alone.

Q Who was the foreman?

A I do not know this today. There were so many foremen running around this tunnel that it is completely impossible to remember an individual.

Q You remember Buehring though, don't you; and he was an individual?

A Yes, I remember him very well.

Q But you don't remember who the capo was?

A I don't know any more. There were so many details that I do not know any more today.

Q You don't remember who your foreman was?

A Who is my foreman?

Q The foreman of this detail?

A No, I don't know this either.

Q Now why did Buehring come to you to ask for a speeding up of this detail? Why didn't he go to the foreman?

A I have already stated before that always four or five kettles were transported in one group. Consequently the kettles were stretched over a length of approximately one hundred meters and we, as supervisors, were sent into the tunnel for the express purpose to drive on the poor devils who were lugging those kettles.

Q Now when the prisoners dropped this kettle, was the kettle injured in any way.

A No; after all, the kettle was not high and it was not very heavy, and if it did drop some time, what of it? But the people did not like to drop it because they were mortally afraid.

Q When Buehring beat these people, did they drop the kettle?

A No, they rushed away in order not to be beat any more.

Q And they rushed away carrying this kettle; is that right?

A Certainly, they carried the kettle.

Q They were not hurt very badly then, were they?

A I am not talking about this. They were bleeding, of course, when he hit them. There were 12 to 14 men under the kettle.

Q And some of them, you said, were beaten until they bled; is that right?

A Yes, he hit them with a club over the head or wherever he could reach them.

Q Nevertheless, they all kept their hands on this kettle and carried it off; is that right?

A Yes, they continued to walk because they were afraid.

Q You also testified that on another occasion he beat two prisoners who went to get water; do you recall that?

A Yes.

Q And on that occasion I believe you said that you were frightened so you ran away at once; is that so?

A You mean me?

Q Yes.

A I never was frightened; those gangsters never could scare me.

Q Did you stand right there,then, right next to the men who were being beaten?

A Perhaps 15 to 20 meters away.

Q And how long did you stand there.

A Until the men were lying there and until they were carried away later on.

Q Did you personally see this transport column pick them up and take them away?

A Yes, I saw them lay them on the stretcher and carry them out-side.

Q Where did this column take these two men?

A Up into the dispensary.

Q Do you mean by that the dispensary in the tunnel?

A First they came into the dispensary in the tunnel and from there the transports always went by lorry upstairs.

Q Which transport do you mean that went by lorry?

A That was always when the dead bodies were thrown on it.

Q Youmean by that that people who died in the dispensary were carried by truck up above to the surface; is that it?

A No! I mean a push cart lorry.

Q Well, do you mean by that that the people who died in the dispensary were taken to the surface on this push cart lorry?

A No. The dispensary in the tunnel was only a first aid station, it was not a dispensary or a hospital where they would lie around for several days.

Q In other words, the people who were taken in push carts from the dispensary were both living and dead people; is that right?

A The men who were transported by push cart lorry were mostly dead bodies; the men who were still alive were carried on stretchers.

Q Did these two men die after they got into the dispensary?

A Yes. The foreman who was in my detail, and also later on some of the other men, told me in the afternoon, when my shift was over, told me at noon when I came out of the tunnel, that two men were already dead when they were taken to the first aid station.

Q By that do you mean that they were already dead when they were picked up and when you saw them picked up?

A Yes.

Q And who was this chief of the detail who told you this?

A The foreman of the detail.

Q What was his name?

A It was a Frenchman, he had an odd name, I don't recall. I have it on the tip of my tongue but I can't say.

Q What were the names of the two men who were beaten?

A The ones who were beaten to death?

Q Yes, the ones who supposedly were beaten to death?

A No, they were dead alright.

Q What were their names?

A How can I know the name of any individual out of so many thousands of men whom I have met and known?

Q You had no difficulty remembering the names of the accused, did you?

A Well, after all, the SS gangsters were less in numbers than the poor devils of prisoners.

Q How did this French detail leader tell you that these two men had died? Did he name them?

A No, he saw me standing there and all those men who formerly were in my detail, they all knew that I saved the lives of many men in camp whom I had, too, and consequently they all kept contact with me and they always told me everything which was going on in camp.

Q Why were you relieved as capo of this detail?

A You mean from the camp detail?

Q Yes.

A Because I was supposed to have treated the men too well, because I did not beat them. There was no beating on my detail.

Q You mean you never did any beating in that camp at all; is that it?

A No, not a soul. Nobody was ever beaten by me. Everybody who was outside can confirm that, that it didn't make any difference if a man was a Frenchman, a Russian, or a Pole.

PRESIDENT: The court will recess until 1330 hours.

(The court recessed at 1155 hours.)

AFTERNOON SESSION

(Whereupon the court reconvened at 1330 hours.)

PRESIDENT: The court will come to order.

LIEUTENANT JONES: Let the record show that all the members of the court are present, the prosecution and defense are represented by counsel, all the accused are present, the court interpreter and the court reporter are present.

At the close of the last session the witness Mittermueller was undergoing cross examination.

PRESIDENT: The witness is reminded he is still under oath.

JAKOB MITTERMUELLER, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, continued to testify through an interpreter as follows:

CROSS EXAMINATION (continued)

QUESTIONS BY DEFENSE COUNSEL (continued):

Q You testified, Mr. Mittermueller, as to a beating which you saw the accused Jacobi and Koenig give prisoners?

A Yes.

Q Will you give the court the dimensions of the board which was used -- or boards which were used -- to give this beating, again?

A Boards were used of a length of 1.50 to 1.80 meters, 10 centimeters wide, and 2½ centimeters thick.

PRESIDENT: Did you translate that 180 meters long? 150 or 180 meters long?

INTERPRETER NELLY SINGER: One meter, 80; or one meter, 50. One, point, fifty. One, point, eighty.

Q Did they use the same board or did they use different boards to give these beatings?

A They used various boards to beat. As a matter of fact, they broke some of these boards and then they went and got a cudgel.

Q Well, now, how did they hold this board -- with one hand or with

both hands?

A With two hands.

Q And you testified, I believe, that the detail to whom these beatings were administered consisted of about 40 people, is that correct?

A Yes.

Q Now, how many of these 40 people were beaten -- all of them or just some of them?

A All, without exception.

Q And did all 40 people stand in one place while these men went around beating these people, or did they scatter and run and try to protect themselves?

A There were more SS people who did the beating, and, then, they were surrounded by guards so that they couldn't run away.

Q Do you mean, then, that these 40 men were gathered together in some enclosure and they were surrounded by guards and then Jacobi and Koenig administered these beatings?

A Yes, more SS people were beating, outside of Jacobi and Koenig.

PRESIDENT: Just a minute, please. The witness will face the court when he is giving his answers.

Q What were the names of these other SS people who were administering this beating in addition to Koenig and Jacobi?

A There were more of them, but I don't remember the names today any more. I have tried to remember, but I can't remember their names any more.

Q So, in other words, it is just a coincidence that the only two people that you remember are these two accused in court, is that right?

PROSECUTION: I pray the court's judgment. An improper question. That is argument with the witness.

PRESIDENT: The objection is overruled.

A It is not a coincidence. I saw this personally, and mainly the people from my detail were the ones who were beaten by these two men.

Q Now, you testified that four men from your detail were beaten by these two men and that you observed that the beating produced bleeding of the kidneys, is that right?

A Six of my people were beaten at that time. They had severe bodily injuries -- they were bleeding -- and four of them died. That is definite; I am sure of that.

Q How did you know or how did you tell from looking at them that their kidneys were bleeding?

A The people in the evening in the block -- at that time we were still in the tunnel; we were in Block No. 4 -- and they were carried by their comrades into the tunnel. Then I did everything to help these poor devils; I ever called the medics in the evening.

DEFENSE COUNSEL: Excuse me. Did you say "sanitaet"? Does that mean "medic"?

INTERPRETER BELLY SINGER: Medic -- medical orderlies.

A (continued) And the medics tried to help them by giving them massages and then they washed them off with alcohol and so on, and the next morning they were carried up again to the camp. At that time in the dispensary the capo Schweitzer was still there, and I was interested in them, so I went there and Schweitzer told me that "these poor devils; they are all going to die." And after two or three days -- I don't know it exactly -- they were reported as dead.

Q Now, what were the names of these four men who died?

A At that time I wrote everything down in a book, but then when I had to go to Ellrich it was impossible for me to take it along, as I had to figure with the possibility of being bodily searched.

Q You don't know the names of these four prisoners who died, in other words; is that it?

A That I can't say today any more. I only know that there were three Frenchmen and one Russian among them.

Q Didn't you just tell the court that the reason you remembered Koenig and Jacobi so well was because they beat these four men, your companions, from your detail?

A Yes, because I wrote everything down what happened.

Q But you don't remember the names of the four men who were killed?

PROSECUTION: I pray the court's judgment. He has already said that just a minute or two ago -- that he doesn't remember the four names.

PRESIDENT: The objection is overruled.

A After all this misery which I have gone through, how is it possible for me to remember, if I do not have these books or these slips on which I wrote it down any more.

Q And you don't remember the names of the -- any of the other 88; just of these two accused; is that right?

A I don't remember the names any more. If I would see them on pictures I would recognize them all again.

Q Now, what date did this occur?

A That was at the end of October or the beginning of November 1943.

Q Are you fairly certain about those dates?

A Within 8 days, I may make a mistake; I am only sure that that was at a time when the little camp was still there. The little camp was still there which consisted of tents from Finland.

Q Now, you know, do you not, that all deaths which occurred at Camp Dora were recorded in a death book?

A Yes, that I know.

Q And you know that the cau e of death was noted on that book, do you not?

A Yes.

Q Now, do you know whether the deaths of these four prisoners were recorded in the death book?

A Yes.

Q And were they or were they not recorded?

A Well, I presume that Schweitzer, who was very exact, entered all of them in the book. Only, it was very difficult for this man because, if they would have caught him while he entered something like that, they would have hanged him as well.

Q Now, you say that you wrote down at the time of this incident the names of these people, is that right?

A I wrote it down. I always wrote everything down that happened.

Q You would recall, then, their names if they were read to you, would you not?

A If somebody would read them to me, I am sure I would know them.

Q All right. You testified, you identified the accused Wiener as having performed certain hangings. Do you recall that?

A Yes.

Q Now, I would like to direct your attention to the occasion of the first hanging which you saw at Dora which occurred, I believe you said, about April of 1944. That was the hanging in which the political prisoners Szymcak and Thomas refused to act as hangmen.

A Yes.

Q Now, it is a fact, is it not, that the hangings on that occasion were actually performed by Sergeant Fuster and by a prisoner by the name of Peter Schrauer?

A It was either Schrauer -- No, I believe Schrader. I am not sure whether it was Schrader or Schreuder, but Schreuer -- because Schrauer

hanged Schrader separately because Schrader had reported Schrauer so that he got into the bunker.

Q Now, Wiener did not perform any hangings on that day, did he?

A No.

Q And you did not hear him on that day volunteer for any hangings, did you?

A On this day, I can not say. I only know that after the political prisoners were relieved of their duties that he volunteered for this job. The camp commander and -- as well as Brinkmann, stated this and Brinkmann said, "We don't need you political prisoners any more."

Q But you never heard Wiener volunteer, did you?

A No, we couldn't have been present at that.

Q You were present, however, at this hanging in which Szymoak refused to perform?

A Yes.

Q Now, didn't you testify that at this particular hanging Jacobi and Brinkmann had taken part?

A Yes, I said that.

Q Now, isn't it a fact that the hanging was performed by Fuster and Kuhle and by Schrauer and by no one else?

A They helped Jacobi and Brinkmann.

Q How did they help him? What did they do?

A Brinkmann even tightened the rope on the post, next to the post, on the side -- on this side (indicating on model gallows, Prosecution's Exhibit P-24).

Q Was this an individual, a single gallows or was this a gallows consisting of more than one noose on which these prisoners were executed?

A At that time, the first time, it was only a single gallows.

Q And how many men were hanged at that time?

A At that first time three men definitely. It could have been more, but I don't know.

Q Now, one of those men was Schrader, wasn't it?

A One of these men was Schrader.

Q And Schrauer hanged Schrader himself, alone, did he not?

A Schrauer put the noose around the neck of Schrader, and it was just on this post that Brinkmann tightened the rope on the side.

Q Now, you made the statement that at this occasion Brinkmann ran around like an insane person. Will you describe to the court the appearance and conduct of Brinkmann on this occasion?

A He was always very arrogant and in this particular instance he was very angry because he didn't receive any help from the political prisoners.

Q Now, you testified that Kilian was a friend of Sander, isn't that so?

A Yes, that is definite.

Q Did you know Sander?

A I knew Sander, yes. I knew Sander.

Q What was his job?

A He was the SD man, Security Service man -- the Gestapo man -- in the tunnel that is on the other side in Niedersachswerfen -- on the side of Niedersachswerfen.

Q Isn't it a fact that Sander was not in Dora at the time that you left -- had not arrived in Dora at the time that you left?

A Sander? Sander was there when I came there and Sander was there when I left.

Q You mean by that that Sander was in Dora in October of 1943?

A That I can't say. I only know that during the hangings he was present.

(MITTERMUELLER-Cross)

Q Was Sander present during the hanging in April of '44 in which Szymoak refused to be the hangman?

A Yes.

Q Did Sander do anything at that hanging? Did he read the sentence or was he just merely present as a witness?

A I believe he read it.

Q A sentence was read, is that right -- at that time?

A Yes, that was read.

Q And was it translated in other languages?

A Yes.

Q And was it announced over the loud speaker?

A No, not that. That happened on the roll call field and the interpreter translated it right there.

Q Now you testified that you were also present at some hangings on the roll call square which were performed by Kilian?

A By hangings on the roll call field I was not present. I didn't say that.

Q Yes, I believe you are correct. You never witnessed any mass hangings by Kilian, is that right?

A No, at that time I had left already.

Q At this hanging in April of 1944 was there a Doctor present at that hanging?

A Yes, there was a Doctor there.

Q Do you know his name?

A I can't remember his name right now.

Q Was it Doctor Kurske?

A Doctor Kurske, no.

Q Was it Doctor Kahr?

A I believe that Kahr came later.

Q Did you know Doctor Kahr?

A I knew Doctor Kahr.

Q Did you know a hauptscharfuehrer by the name of Schuppenhauer?

A According to the name I don't know him.

Q First Lieutenant Schuppenhauer?

A According to the name I don't know him.

Q Did you have among your prisoners in your detail in the tunnel a prisoner by the name of Oskar Junk?

A Yes.

Q Did you release that man from your detail or ask that he be released?

A I had Oskar Junk relieved from my detail because he always ran around in the SS barracks and I believed that he belonged to them. Later on

I took him back into my detail. He was twice on my detail.

Q Did you release him a second time?

A The second time he had himself relieved. He became the orderly for a lieutenant.

Q Now when you were working in the tunnel did you not have a detail that was called "alt materialverwertung"?

A In the tunnel there was no "alt materialverwertung". That was a part of my detail.

Q What did that part of your detail do?

A This detail picked up all the old rags and paper and iron in the tunnel and up in the camp and brought it over to me to my place and there it was assorted.

Q Who composed this detail or rather I will withdraw that.

Isn't it a fact that this detail consisted of prisoners who were too weak to perform anything but light work?

A The people were all so ill that all of them could have performed only light work.

Q Will you please answer my question. This particular section of your detail--isn't it a fact that the prisoners assigned to that detail were selected because they were known as "musselmen" or people too sick to work or to perform heavy work?

A I personally picked the people out on my detail and I picked the very weakest out to do the assorting and the others of them had to bring the stuff on wheelbarrows.

Q Who selected the men for this particular sub-detail "alt material-verwertung"?

A That I did. That I did. I activated this detail.

Q Was that the detail for which you were the capo?

(Mitter-cross)

A I was the capo for the camp detail and inside this camp detail was also this "alt materialverwertung".

Q Who assigned the men for your camp detail?

A There we had to do some shady business. At that Ludwig Soymoak and several others in the work statistics office performed. We saw to it that we always picked out the weakest people from the various det ils and who was too much under the eye of an SS man or a detail leader. These people we pulled out of the details illegally so that we could help them.

Q I would like to invite your attention to your testimony with regard to the accused Brinkmann at Ellrich.

A Yes.

Q You testified that on one occasion he came into the bunker and said he did not want to see a man again or didn't want to see him any longer and that man was subsequently beaten to death or drowned.

A Yes.

Q You testified later on that he was drowned. Did you see this drowning yourself?

A One drowning I saw myself.

Q I am speaking about this man about whom you testified that Brinkmann said he wanted, he didn't want to see him around anymore.

PROSECUTION: I pray the court's judgement. He didn't say anything of the kind. He said Brinkmann pointed out different men and whenever Brinkmann pointed him out that man disappeared. He didn't point out any particular man.

DEFENSE COUNSEL: In order to economize time I will withdraw that question. I will ask another question.

Q You described in detail in court a drowning of a man in a pond who tried to get out and was kicked back in?

(Mitter-cross)

A Yes.

Q Were you present at that drowning?

A At that one I was present.

Q Was that man beaten to death or drowned?

A That man was beaten so severely that he was practically dead. Then he was thrown into the pond and when he tried to get out again they beat him with cudgels and kicked him with their feet so long until he drowned.

Q Where was this pond where this took place?

A That was directly next to the building number 18, the construction number 18.

Q How far from the bunker was that?

A Perhaps 150 meters.

Q This man whom you saw drowned on this one occasion that we are talking about now. What had Brinkmann said about him, if anything?

A In the morning, that is at the noontime, before we marched out Brinkmann came together with Schimeck and said, "This person I don't want to see anymore."

Q Was Brinkmann present at this drowning?

A During this drowning Brinkmann was not present.

Q It is a fact, is it not, that after Brinkmann's arrival at Camp Ellrich many improvements were made?

A When Brinkmann arrived?

Q Yes.

A The devil was loose then. Everything became worse than it was before.

Q Isn't it a fact that soon after his arrival there was an improved roll call square constructed?

A I personally started to construct this roll call field. I wanted

(Mitter-cross)

to de-water this place because the water always went through there. The earth was calcium and it wasn't possible for the water to seep through. Therefore, I wanted to build canals there so that the water could be drawn off. On Sundays we always had to carry stones and simply throw them down there. I said that can't be done that way. First canals have to be made. The SS Technical Sergeant Gaudeck said I had nothing to say and he hit me in the face and Brinkmann was standing there. The next day, on Monday I was relieved and I was sent to another detail.

Q Isn't it a fact that shortly after Brinkmann's arrival a large and clean hospital barracks was put up?

A The barracks were all lying there already when Brinkmann arrived and the foundations for them had already been built.

Q Is it a fact or is it not that that barracks was put up--clean large hospital barracks--after Brinkmann's arrival?

A This hospital barracks was already there, but was only erected during the time that Brinkmann was there. That is true.

Q Isn't it a fact that an extra large barracks was put up to lodge the convalescents after Brinkmann's arrival.

A In this barracks they were completely taken care of then. Brinkmann came in the morning and beat them up when they couldn't walk anymore.

Q Will you please answer my question? Was this convalescent barracks put up after Brinkmann's arrival or was it not?

A These barracks had already been requisitioned long before Brinkmann came, through my initiative. I went to Lieutenant Ritz and to the camp leader Stuetzler or Stuedler and they finally went away and after five days the barracks arrived.

Q I understand then that the assignment of people to light work in the "alt materialverwertung" in Dora was due to your efforts, is that right?

A Yes.

(Mitter-orca s)

Q None of these accused had anything to do with that?

A Well I always did this, so to say, through the back door or it wouldn't have been possible at all.

Q All the improvements at Ellrich which occurred after the arrival of Brinkmann were also due to your activities, is that right?

A Yes, because I went daily to the Sergeant Ritz and Stuetzler and insisted. I said, "This has to be done."

Q What was your position in that camp?

A Otherwise these people would have died.

Q What was your position in Camp Ellrich?

A I came to camp Ellrich as Camp Capo. Simon said at that time, "You put Dora in shape and in good order, now you can go to Ellrich and do the same."

Q Dora was in good order then by the time you left, is that right?

A Yes, yes, that is correct.

Q Did you also start the shoe repair shot at Ellrich?

A I had shoes made illegally for the poor devils.

Q Did you also establish the tailor shop at Ellrich?

A No, no, no, I didn't do that.

Q Who did that?

A Well the tailor shop already existed when we came there. It wasn't exactly a tailor shop, it was a small hut or barn. Then I went together with Ritz to Dora and I had requested him several times before to see that we got something to mend with as all the clothing was in rags and tatters and then Ritz saw to it that another machine came and that thread came and everything else.

Q That was due to your efforts with Ritz, is that right?

A Yes, only as a result of that.

Q And Brinkmann had nothing to do with that?

A If it would have depended upon Brinkmann I would have been murdered

(Mitter-cross)

the first day.

Q How about this furniture that was constructed at Ellrich? Did you see to that too?

A Illegally the furniture was constructed for the barracks, the chairs and everything else.

Q All of those things happened after Brinkmann's arrival at Ellrich did they not?

A No.

Q Well did they happen before his arrival there?

A Before he came because after that I was relieved and nothing was done whatsoever after that.

Q When were you relieved at Ellrich?

A In the first days of January, 1945.

Q When did Brinkmann come to the camp?

A Brinkmann would have been in the camp at the end of November. It could have also been December. I can't remember the date exactly anymore. I had written this all down but I have forgotten it in the meantime.

Q You came there in November, did you not?

A No, no, I came in October. I was there at least four weeks or perhaps five weeks already.

Q All these improvements which you have told the court about, that is the hospital barracks and the convalescent barracks and the shoe repair shop and the tailor shop and the furniture for the barracks were built between your arrival and your release is that correct--that is your release as a capo?

A Yes.

Q During that same time Brinkmann was there too was he not?

A No, No. When Ritz left, that is when he came. Brinkmann came and then everything was over.

Q How long had you been in the camp when Brinkmann arrived?

A In Ellrich at least 4 to 6 weeks.

Q Well, now if all these improvements were made in the camp, how can you tell the court, as you did, that conditions got worse in the camp?

A After Brinkmann came nothing was done any more; everybody was afraid of him; he was like a hunting hound who found out everything.

Q You testified about the accused, Hoeser--strike that. You also testified that you saw Brinkmann shoot a Russian student in March of 1945 near a dump heap I believe was said--did you witness this shooting yourself?

A Yes.

Q What did he shoot him with?

A With a pistol.

Q And how far was he from the student when he shot?

A Not even one meter.

Q And how far were you?

A Perhaps 50 meters away.

Q And what were you doing there?

A I was in the bunker already at that time, and we were helping in the construction of the tunnel.

Q Do you mean that you were working at the detail at the same time you were imprisoned in the bunker?

A Yes. We were only in the bunker at night. During the day we were working.

Q Why were you imprisoned in the bunker?

A Because it was not looked upon well that I helped poor devils and that I intervened for them.

Q Now, what was this Russian doing at the time that he was shot by Brinkmann?

A Brinkmann and Sonneck and another man--I don't know whether he was an SS sergeant or an SS corporal--they went together up there with the

Russian. They went up to this dump heap or pile of wood is actually what it is. My place of work was approximately as high as this ceiling here but it was below this dump heap. The dump heap was approximately there, and my place of work was approximately here (indicating).

DEFENSE COUNSEL: Let the record indicate that the witness has indicated a higher terrain and a lower terrain when he said "approximately here" and "here".

Q Now, was this Russian taken out for the purpose of execution, or was he just walking by and Brinkmann shot him?

A No, No. They brought him along from the gate, and then they had a conversation. They were talking there. There was also an interpreter present. We couldn't go too close there because we were afraid that he would shoot us from up there but we did continue with our work, but we watched what was going on and all of a sudden he shot the Russian.

Q And who else was with Brinkmann besides the interpreter?

A Schimeck and the interpreter or an SS sergeant or an SS corporal.

Q Had you ever seen this Russian before?

A Yes, several times.

Q Did you know him?

A By face, Yes--by sight.

Q You did not know his name, is that right?

A No, I don't know his name.

Q Did you write his name at the time of the shooting?

A At that time it was not possible to do this any more because I was in the bunker and there was an inspection every day and it wasn't possible for me to do so.

Q When did you first see the accused, Ulbricht in Dora?

A I believe it was in 1944.

Q That was before you left Dora, is that right?

A Before I left Dora.

Q And was that about the same time that you saw the accused, Heinrich?

A No, No. That was before that--that was prior to that.

Q Was it in the early part of 1944?

A I believe it was in April or May--it could have been June--I don't remember it exactly.

Q Well, would you say that it was after Easter or before Easter?

A That is impossible for me to remember after all the misery which I have been through. It is impossible for me to remember that so exactly.

Q What was Ulbricht doing in the camp at that time?

A I only know that he was a clerk in the tunnel.

Q From whom did you learn, or upon what do you base your statement that he was a spy for the Gestapo?

A In my place all the meetings were held because I had a barracks for myself, and if in the night late we were altogether, we political prisoners, we talked about him and we were warned against him.

Q Are you quite sure that this is the same man about whom you are talking--the accused Ulbricht in this dock is the same man about whom you are talking?

A Yes. At that time I visited quite a bit in the barracks where all the capos were, and the Frenchmen--all the Frenchmen came to me because I also spoke French and told me all the things that have happened, and that is how I learned about everything that happened in the camp.

Q You are certain about your identification of the accused, Ulbricht, is that right?

A I am quite sure.

Q And are you sure about your identification of the accused, Heinrich?

A Quite definite.

Q And you are just as certain about your identification of the accused Jacobi, is that right?

A I would know him--

Q Are you just as certain about your identification of the accused Jacobi as you are about the accused, Heinrich?

A With Jacobi I am so sure that I could even state the day and the minute.

Q And are you just as sure about your identification of the accused, Heinrich?

A What I have said about Heinrich is absolutely correct.

Q And you are just as certain about your identification of the accused, Ulbricht?

PROSECUTION: I pray the court's judgment.

PRESIDENT: The objection is sustained. He has already answered it anyway.

THE WITNESS: Yes.

QUESTIONS BY DEFENSE COUNSEL:

Q Now, you have testified that you recognized the accused, Boesor, and that on one occasion you saw him shoot two foreigners, I believe you said, in front of the kitchen?

A That I saw personally. I was standin approximately 30 meters away on the street at the most.

Q Was the chief of the kitchen present at the time of the shooting?

A Yes. The chef of the kitchen, Soelder, was also present. He had a cudgel in his hand.

Q And was there any other kitchen worker present at the time of the shooting?

A Oh, there were more people there who saw this.

Q How far away were you from this shooting when it took place?

A At the most 30 meters.

Q Now, this man that was shot was taken to the dispensary, isn't that so?

A Two of them.

Q Well, the two men that were shot were taken to the dispensary, is that right?

A They were brought up later and they were dead. I learned about this 10 minutes later from the people who brought them there.

Q Were they dead by the time that they arrived at the dispensary, or did they die afterwards?

A I believe that they were dead on the place there.

Q Now, how many shots did he fire?

A Five to six shots.

Q With the pistol?

A With a pistol, Yes.

Q And could you observe how many shots he fired at each person, approximately?

A No. The camp protection came and several SS people and everybody had to get out of the way. They cleared the place.

Q And when did this happen?

A That was in July or in August 1944.

PRESIDENT: The court will recess for 15 minutes.

(Whereupon the court recessed at 1445 hours.)

* * * *

(Whereupon the court reconvened at 1500 hours.)

PRESIDENT: The court will come to order.

LIEUTENANT JONES: Let the record show that all the members of the court are present; the prosecution and the defense are represented by counsel; all the accused are present; the court reporter and the court interpreter are present. At the close of the last session the witness Mittermueller was under cross examination.

PRESIDENT: The witness is reminded he is still under oath.

JAKOB MITTERMUELLER, called as a witness by the prosecution, resumed the stand, and being reminded that he was still under oath, testified further through an interpreter as follows:

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q Did you know the prisoner, Bernhart who was a kitchen worker in Dora?

A Yes, Bernhart, Alfred.

Q Was he present at this shooting which Hoeser did?

A I don't know that.

Q Do you know whether he was in the kitchen at the time?

A Yes, he was in the kitchen at that time, but Bernhart also stayed away from everything; he never went any place.

Q Now, this camp detail which you supervised, did it have charge of taking the water into the prisoners in the tunnels?

A No. Tea, coffee, and food was carried down from the camp.

Q Was that carried by this camp detail?

A That was done by part of the men on my detail.

Q And did they not also carry mineral water into the prisoners?

A Mineral water, Yes.

Q And did they also pick up the mineral water bottles and bring them back into the kitchen?

A There was always some man from my detail who did that.

Q Now, while you were working in the tunnels did you ever hear a gypsy orchestra play in the noontime?

A What do you mean--I don't understand it.

Q During the noon rest period in the tunnels did you ever hear of a gypsy orchestra playing?

A I never heard that. All I ever heard was the yelling and shouting of half-dead people.

Q Did you ever hear any music in the tunnels at all?

A At night in the blocks where we slept sometimes they made music.

Q Now, you have testified on direct examination that one of the shifts was going on duty at 2 o'clock in the afternoon, and I believe you said it was an eight-hour shift. Was that the normal working hours for the prisoners at that time?

A That was at the time when the tunnels were being established. Previously to that the work was carried on from morning until night without any interruption; at noon they got something to eat, but it wasn't very much.

Q Approximately in what month of the year 1944 was the eight-hour shift established in the tunnels?

A That was when operations were started. I do not recall the exact date.

Q Was it in the summer or fall of 1944?

A It was in the beginning of the summer '44.

Q Now, you recall this incident of the man who was drowned, the man from the bunker at Ellrich. Isn't it a fact that was what was known as a feme morgue or a secret murder?

A No. It was like that. At noon Brinkmann was there and then he stated that he did not want to see that man again.

Q Did you ever see, or did you know or hear of any of these feme morgues being performed in either Dora or Ellrich?

A The informers, the stool pigeons worked together with the SS and for the SS. They were gotten rid of by that means if it was possible.

Q Isn't it a fact that the feme morgue was a secret murder performed by the prisoners themselves?

A At first the SS made advances to those people. They gave them better food and they had all kinds of privileges and later on when they had spilled everything they knew, they were dropped by the SS like a hot potato.

(Mittermueller-Cross)

Q Do you know the names of any of the people who were killed in that manner?

A I didn't know the names of those crooks. They were later on killed by their own comrades.

Q Did you know a prisoner, an interpreter, by the name of Deering.

A Yes, I know him very well.

Q Do you know whether he was the victim of one of these secret murders?

A That I don't know, but I do know that he got a licking from his comrades.

Q Now, when approximately did this shooting of the two foreigners by Moeser in front of the kitchen occur?

A I said already it was in the summer--either in June, July, or August. It was late in the evening.

Q And do you remember the names of the two men that were shot?

A No, I don't. I cannot tell you any more today. I had written everything down, but it was not possible for me to take my papers along. That is why I cannot tell you.

Q They were taken to the dispensary, were they not?

A Yes, they were taken to the dispensary.

Q And was the capo, Schweitzer, still on duty there?

A No. When those two were shot the capo, Schweitzer, was no longer there.

Q And do you know who it was who did the recording in the death books at that time?

A Fritz Breil was capo at that time.

Q Do you know whether or not he recorded the deaths of those two men whom Moeser was supposed to have shot?

A That I couldn't say. I don't know if he recorded it in that

secret book like the political prisoners always did. If he recorded it in the official record, I don't know.

Q When was the last time that you saw the accused, Ulbricht, at Camp Dora?

A That was in the summer. After all, I don't know--I didn't take an interest in that day at all. All that I heard at that time was that he was an informer for the SS, but I didn't pay any attention to him at all.

Q Well, did you see him yourself in Dora at all?

A Yes, I saw him in Dora.

Q And you would estimate that it was in the summertime the last time that you saw him, is that right?

A It was during the time when the days got to be better--it may have been in April, May, or June--exactly when it was, I don't know any more.

Q What do you mean when you say that the "days got to be better"--what do you mean by that?

A When there was no longer winter.

Q Now, is it not a fact that Ulbricht never was in Dora?

A That is impossible--I have seen him in Dora.

DEFENSE COUNSEL: I have no further questions.

REDIRECT EXAMINED

QUESTIONS BY PROSECUTION:

Q How many bottles of mineral water were brought daily into the tunnel?

A That may have happened once a week, but not daily.

Q How much was brought into the tunnel in the form of mineral water once a week?

A There were for each block perhaps two to three boxes containing 50 bottles, and each block contained 400 to 500 people.

How much does that figure out as a weekly ration of water for eachperson?

A A cup like this would have been sufficient for about four or five men.

Q Do you mean by that that cup, the size of the one which the interpreter has in his hand, was the weekly ration of mineral water for four or five men?

A Yes.

Q Let the record indicate that the cup referred to was an ordinary G.I. coffee cup.

PROSECUTION: No further questions.

RECROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL

Q Now, in addition to that ration of mineral water, the prisoners also received coffee, did they not?

A Yes, they received coffee.

Q And they also received tea, did they not, with rum?

During the months while we were in the tunnel, that was in the month of November, there was a few times in December they received tea with rum.

Q Now you say that you recorded the names of the two men whom Moeser was supposed to have shot in front of the kitchen in the summer of 1944; is that correct?

A What do you mean? Well, I recorded it in my book; yes.

Q Yes, that is what I mean, in your book; yes.

A Yes.

Q If the names of these men were read to you, do you think you would remember them?

A I suppose so.

Q DEFENSE COUNSEL: If the court please, I am going to have Dr.

Trimold read this in German; it is German script.

PROSECUTION: I would like to see what he is reading from, please.

DEFENSE COUNSEL: Now, Dr. Trimold is going to read some names to you and if you recognize any of these names as one of the people who were shot at that time, will you please indicate that fact to the court?

A Yes.

DR. TRIMOLD: Mirochnik, Nikolaj?

A No.

DR. TRIMOLD: Kabanow, Grigorj?

A They were on my detail but they were not the men.

DR. TRIMOLD: Klimek, Anton?

A No.

DR. TRIMOLD: Konusan, Ilja?

A Couldn't I read the names myself? Because I am the one who put it down and the Russian names are most likely altogether different from the way you pronounce them.

DEFENSE COUNSEL: If the court please, we would be very glad to let him do that, except for the fact that the book indicates the cause of death and it would tell him immediately which names to pick out. We could write the names out and give them to him. It would be a little time-consuming, that is the only thing.

PRESIDENT: Is it possible to cover that part of the page?

(Defense counsel covers a portion of the page with a sheet of paper and hands the exhibit to the witness.)

DEFENSE COUNSEL: This is where we started. Please tell us when you are finished with the page.

PROSECUTION: How far is this going to continue, I want to know?

DEFENSE COUNSEL: Just during the period of time that he says

this occurred. Two weeks before and two weeks after.

PROSECUTION: I suggest asking him page by page.

DEFENSE COUNSEL: What do you mean, "page by page"?

PROSECUTION: Well, have him look at any page and ask him if he recognizes any names so far?

DEFENSE COUNSEL: Well, I have already instructed him, when he came to a name to indicate it to the court.

A Yes, I am going to do that.

PROSECUTION: I would like at this time to object.

A A Czech wrote this down. He was my clerk and he had an altogether different handwriting.

PROSECUTION: I would like to call the court's attention to the evidence in the case, that appeared prior to this time, the evidence is that only Czech names were put in that book and not the names of anybody else but Czech names.

DEFENSE COUNSEL: If the court please, that is correct. At the time the capo Proell was doing this and not Polak.

PROSECUTION: Well, the evidence is, during March and April only Czech names were put in that book.

DEFENSE COUNSEL: We can easily check, that order book will show it if there are only Czech names in there?

A At that time when I show it there were prisoners of all nationalities in there.

PROSECUTION: How much further is this going to go? I pray the court's jusgment on the whole procedure. Just a moment, until the court passes on my objection.

DEFENSE COUNSEL: This is on the last page, if the court please.

PROSECUTION: I will not object, then. I wish the court would instruct the witness to stop talking on the side.

INTERPRETER: I translate every word.

A I like to remark here that that Czech had an altogether different handwriting and it is very hard for me to read it.

Q Do I understand, then, Herr Mittermueller, that you do not recognise among all the names which you saw in this book the names of the two people who were shot by Hoeser in front of the kitchen?

A Yes. Not with that handwriting.

DEFENSE COUNSEL: If the court please, let the record indicate that the witness was shown the items in the Death Book commencing with Item 3164 and ending with Item 3260.

PRESIDENT: Further identify the Death Book as to what exhibit it is.

DEFENSE COUNSEL: I would like to withdraw that last statement please, and indicate for the record that the witness was shown a portion of Book No. 3, Prosecution Exhibit 34, and that he read from Items No. 3164 and Item 3272.

DEFENSE COUNSEL: No further questions by the defense.

PROSECUTION: Anything by the court?

PRESIDENT: There are no questions by the court.

PROSECUTION: May this witness be permanently excused?

PRESIDENT: Does the defense object?

DEFENSE COUNSEL: No, we have no objection. Dr. Aheimer requests permission to speak to the witness after he is released; I told him I assumed it would be all right.

PROSECUTION: Yes, of course.

PRESIDENT: The witness will be permanently excused.

PRESIDENT: Are you going to put on a new witness?

PROSECUTION: I was just going to ask the court if it would be necessary.

DEFENSE COUNSEL: I move, if it please the court, that we recess until Monday morning at nine o'clock. I would like to confer with the

(Mittermueller recross)

accused and I would very much like to have the privilege of doing it this afternoon.

PRESIDENT: The court will recess until nine o'clock Monday morning.

(Whereupon the court recessed at 1640 hours September 12, 1947, until 0900 hours September 15, 1947.)

MILITARY GOVERNMENT COURT

VOLUME 25

CASE RECORD

Pages 1618-1668.

CASE NO. 000-50-37

PROSECUTOR Col. Wm. Berman

*~~Military~~ MILITARY COURT

DEFENSE COUNSEL Maj. L. Poullada

GENERAL

INTERPRETERS Leland Carroll, George Converse

PLACE Camp Dachau, Germany.

REPORTERS Mabel M. Holt, Ester L. Diurti, Gloria M. Spears, Eunice L. Wasdorff.

DATE September 15, 1947.

WITNESSES

Thadeusz Patzer

Alber Deffoy

ACCUSED ARTHUR KURT ANDRAE

ADDRESS _____ SEX _____ AGE _____

FIRST CHARGE SECOND CHARGE

PLEAS

FINDINGS

PREVIOUS CONVICTIONS

SENTENCE

IMPRISONMENT (TERM _____
(BEGINNING _____ 194_____

FINE AMOUNT _____
TO BE PAID BEFORE _____ 194_____
FURTHER TERM OF _____ IMPRISONMENT

CHARGE SHEET AND RECORD OF TESTIMONY ARE ANNEXED HERETO.

SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY _____

SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

RECORD OF TESTIMONY

in trial of

THE UNITED STATES versus ARTHUR KURT ANDRAE, et al

by

GENERAL MILITARY GOVERNMENT COURT

tried at

CAMP DACHAU, GERMANY BEGINNING 7 AUGUST 1947

15 September 1947 Pages 1618 - 1688

TESTIMONY

WITNESSES	Direct	Cross	Redirect	Recross	Court
TADEUSZ PATZER	1618	1631			1673
ALFRED DeFROY	1675	1686			

MORNING SESSION

(Thereupon the court reconvened at 0930 hours, 18 September 1947.)

PRESIDENT: The court will come to order.

CAPTAIN O'HARA: Let the record show that all the members of the court are present; the prosecution and defense are represented by counsel; all the accused are present; the interpreter and the reporter are present. At this time the prosecution calls its next witness, Tadeusz Fatsor.

TADEUSZ FATSOR, called as a witness by the prosecution, being first duly sworn, testified as follows:

DIRECT EXAMINATION

QUESTIONS BY CAPTAIN O'HARA:

Q What is your full name?

A Tadeusz Fatsor.

Q What is your address?

A Leicester University, college, 18b Leicester Road, Blaby, England.

Q What is your occupation?

A Student.

Q Your age?

A 26.

Q Your residence

A I told it.

Q What is your nationality?

A Polish.

Q Were you ever an inmate of a concentration camp.

A I was.

Q What camp or camps have you been an inmate in?

A I was in Auschwitz from October '41, then I was in Buchenwald from 18 February '45, then I was in Dora from 28 October '43 until April '45.

Tk 242-Ms-Hornbostel-9/15/47-2

Q Did you have any duties at Dora?

A Yes, I had.

Q What were they?

A First, I worked in the tunnel at Dora, and then I was interpreter in the camp.

Q When were you interpreter?

A I started in December '43.

Q And how long did you hold this position?

A For nearly to the end with an exception for something about four weeks when I was punished, and as punishment I was taken off my duties.

Q Who else did you act as interpreter for, and in what parts of the camp were those duties of your carried out?

A Actually, I was interpreter for Sitzer in the labor statistics office, but I interpreted for the SS and for the company leader.

Q Mr. Patser, I would like you to stand up, look around the court room, and let me know if you recognize any personnel from Dora. Will you please go over to them, point directly at the ones whom you know and state his name?

A I will start here. First is Koenig. The second one I don't know.

Q Would you please go to the second row and point directly at them?

CAPTAIN [illegible]: Let the record indicate that the witness has identified the accused, Koenig wearing placard number 11.

THE WITNESS: The second one of the third one I don't know, and then is Hasebroek. (Indicating).

CAPTAIN [illegible]: Let the record show that the witness has identified the accused, Hasebroek, wearing placard number 12.

THE WITNESS: Hickney. (Indicating).

CAPTAIN [illegible]: Let the record show that the witness has identified the accused, Hickney, wearing placard number 14.

Ik #42-Peterschneider-5/15/47-A

THE WITNESS: Simon (indicating).

CAPTAIN MCGARRY: If it please the Court, let the record show that the witness has identified the accused, Simon, wearing the placard Number 18.

THE WITNESS: The next one I don't know. Walenta (indicating).

CAPTAIN MCGARRY: Let the record show that the witness has identified the accused, Walenta, wearing the placard Number 18.

THE WITNESS: Zwisler (indicating).

CAPTAIN MCGARRY: Let the record show that the witness has identified the accused, Zwisler, wearing the placard Number 18.

THE WITNESS: Killian (indicating).

CAPTAIN MCGARRY: Let the record show that the witness has identified the accused, Killian, wearing the placard Number 17.

THE WITNESS: Jacobi (indicating).

CAPTAIN MCGARRY: Let the record indicate that the witness has identified the accused, Jacobi, wearing placard Number 9.

THE WITNESS: Buehring (indicating).

CAPTAIN MCGARRY: Let the record show that the witness has identified the accused, Buehring, wearing the placard Number 4.

THE WITNESS: Brinkmann (indicating).

CAPTAIN MCGARRY: Let the record show that the witness has identified the accused, Brinkmann, wearing the placard Number 3.

THE WITNESS: Andrae (indicating).

CAPTAIN MCGARRY: Let the record show that the witness has identified the accused, Andrae, wearing the placard Number 1.

THE WITNESS: Meibig (indicating).

CAPTAIN MCGARRY: Let the record show that the witness has identified the accused, Meibig, wearing the placard Number 8.

THE WITNESS: Brunny. (indicating).

(Peters-Direct)

CAPTAIN MCGARRY: Let the record show that the witness has identified the accused, Braun, wearing the placard Number 2.

THE WITNESS: Dotzers (indicating).

CAPTAIN MCGARRY: Let the record show that the witness has identified the accused, Dotzers, wearing the placard Number 6.

THE WITNESS: Koeser (indicating).

CAPTAIN MCGARRY: Let the record show that the witness has identified the accused, Koeser, wearing the placard Number 13.

THE WITNESS: The last one I don't know.

QUESTIONS BY CAPTAIN MCGARRY:

Q What can you tell the court about the accused, Braun?

A Braun was the senior, the leader of the labor statistics office. He disposed of all prisoners in the camp as to the work he had to do.

Q Continue.

A Everything that the civilian officers in the tunnel asked--the number of the prisoners, the working hours, and so on, and so on, has gone to Sihon. He had to appoint him, or if necessary to give it forward for approval. In December '44--No, in December '43, when the first Italian prisoners were brought into camp there were seven of them who refused to work, saying that "it is against the international law to let the prisoners of war work in war production". Before any action started against them I heard personally Sihon saying that they should be executed for the refusal of work. How it was done, I don't know. Anyway, a certain time later the seven Italians were executed. The second thing I would like to mention was the story about the three deadly ill transports in January, February, and March '44. In the company conditions were at this time very bad and a lot of prisoners were not able to work. The hospital was always filled. Between the company camp leader arose the question, how to improve the conditions. The camp Dora was a typical labor camp. The question there was to get as much as possible work out from the prisoners. How it was decided I couldn't tell

today, but I know that a decision was stated that all the ill prisoners and all the others who are too weak to work should be sent to other camps. There were, as I said, three transports sent away. The first two, as far as I know were sent to Lublin, the concentration camp in Poland. The third one was sent to Bergen-Belsen as far as I know. The biggest part of the transport was taken from the hospital, but then to fill the amount of thousand the other prisoners were seeked out from the commandos, from the working groups. In this selection took Simon personally part. I don't know if I have to tell all about the transport or just let the question stay because there is nothing more about Simon but about the transport as general.

Q How do you know that Simon had anything to do with this transport?

A I was as interpreter with him.

Q Did you ever hear anything about this transport after it left Dora?

A Yes. I worked as interpreter in the political office in Dora, and one day came a transport from Lublin to Dora, and there comes a Russian prisoner out of the newcomers and came to me to greet me. And he said to me that he knows me because he was in Dora and left Dora with one of this thousand prisoner transports. And he said to me there were about 160 to 180 survivors when they arrived in Lublin. From this amount several others died afterwards, but he was the lucky one who managed to survive and was sent with another transport back to Dora.

Q You stated that among your duties as interpreter you interpreted for the S.D.; what can you tell me about that particular duty of yours? Where did this interpretation on your part take place?

A Firstly, in 1943 and 1944, the S. D. office was on the other side of the mountain in Niedersachswerfen. Then there was a special non-commissioned officer, I think it was something like a warrant officer, which was in Dora in the camp near the political office and only special cases were sent to Niedersachswerfen. Because of special work which was done in Dora, the S. D. had a special interest in old prisoner cases. For instance, especially when a prisoner ran away it was said that he runs away to bring the news about the V-1 and the V-2 to English or American forces and therefore every one who ran away was brought, when caught, to the S. D. to a special interview.

Q Describe one of these interviews.

A When one was brought back, the S. D. wanted to know why he ran away. Then they wanted to know if he did steal anything on his way or not. When he stole even a piece of bread during the night it was the same as a condemnation to be hanged. Usually there was no belief in all that the prisoners said and when the answer was not as the S.D. men expected it, the beating started, and usually it was done so long that the prisoner was obliged to say "Yes" just to get away from the beating. And even if the protocol was negative, I mean if the prisoner just said "no" and the S.D. couldn't prove him anything, the penalty was usually death under the sabotage act or things which looked like sabotage. He could just write that sentence, he could just send it away. It was not his duty to write the death sentences, they were written in another office.

Q Who participated in these beatings, if you know?

A Usually at Niedersachswerfen it was Sander, personally; who is not here. But then from a certain time, I can't remember the exact time,

the accused Buchring worked with Sander and was his right hand, as you say, for the beatings in spying in the camp and finding the prisoners guilty of.

Q Were you present at any of these beatings by Buchring?

A Personally not, but when I was in bunker I was told very often by th other prisoners that the beating--that Buchring was one of the most severe beaters.

Q Do you know if anyone else participated in these beatings?

A Well, with the exception of the accused Zwiener I didn't see anybody from those accused, but I heard that Walenta, Kilian participated in those beatings too. Apart from those who I saw only Zwiener but I heard from other prisoners that Walenta and Kilian took part in those S. D. beatings too. Apart from the roll call leaders, Brinkmann, Braun and Koenig, who were beating, but on those occasions when a case was given up to them.

Q What do you know about the accused Dettmers?

A Dettmers was first a court officer. Then he was adjutant to the camp commandant. He was pretty well feared in the camp and he was known a a prisoner beater. Secondly, he was the one who wanted to have an older-- to have an older position, an older officer's, that could be organised, by the prisoners, the criminal prisoners, the German criminal prisoners, because he knew that the German criminal prisoners would execute his order rudely and only as he wanted it.

Q Is there anything else you can tell the court about Dettmers?

A Well, I just heard about it from the other prisoners, that during a certain time Dettmers signed the death verdicts, the death sentences.

Q Do you recall who told you this?

A Well I am pretty sure that Kilian told me that, because he saw every sentence signed as hangman.

Q "hat can you tell the court about the accused Koenig?

A Koenig was one of the first roll call leaders in Dora. He was one of the most fierce too, his special trick was when he wanted to beat somebody he ordered him to lift his head and hit him in the Adam's apple. Of course the prisoner got the breath cut off and couldn't speak and Koenig asked him a question and wanted a reply and he couldn't reply and Koenig enjoyed that very much. And of course as roll call leader he ordered the beating for many crimes, so to say, in the camp.

Q You have identified the accused Jacobi. What can you tell the court about Jacobi?

A Jacobi had this group of prisoners under his command who worked in the building of the whole barracks and other buildings in the camp. He was very fierce in the commando and I saw him very often in the camp beating for little and some times even for nothing the defendants, just as a pleasure and some times when somebody was too weak to carry a part of the barracks quickly enough, he hit them with whatever he has got in his hand.

Q How often did you see Jacobi beat prisoners?

A Well, I saw him a few times, a few days in 1943, in the little time I worked by the transport of barracks from the tunnel, not directly from the tunnel but from the kind of station which was near the tunnel to the new barracks.

Q Do you know anything further about Jacobi?

A Well, I saw that Jacobi was by those people who were by the execution of seven Italians. I wasn't by the execution myself, but I saw him just going to the place of seven times.

Q How many persons were in this group that you saw?

A I couldn't tell it exactly today but any rate Jacobi was, and Simon, Koenig, Drauny.

Q Do you know anything else about that incident other than you

saw these men before the execution?

A No.

Q What can you tell the court about Kilian?

A Kilian as far as I know was given to the duty of hangman in the camp. He was billeted in the bunker. He had a small room. He prepared all the executions. As far as I know, I have not seen that personally, but I was told very often by the prisoners in the case that the hanged prisoners were not dead after 15 minutes--some times they waited even not so long--Kilian killed them when he was brought down just with a piece of wood or something like that to complete the execution.

Q Did you ever personally see hangings conducted by Kilian?

A Very often.

Q Where did these hangings take place.

A Well, as far as Kilian was concerned, it was either on the roll call place in the camp or in the tunnel, on the crane.

Q Did you ever see a hanging in the tunnel on the crane by Kilian?

A I did.

Q Will you describe one of those hangings to the court?

A Yes. The prisoners were put in a line and crabs was brought down. Then the string was put on the neckand the crane started slowly to go up. Therefore, the prisoners were not hanged, so to say, but slowly lifted up and of course they didn't die at once, as it is usually by hanging, but they lived a long time, but many of them were still living when the crane was put down again and I saw a lot of them trying to lift them up by-- I am sorry, that was a mistake.

Q Where were you standing, in relation to he place where the persons were hung?

A I was in this time in the bunker too. I was arrested and I was condemned to death. Sander and Buehring told me very often but they

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want me from the bunker as interpreter and under award I was obliged to interpret death sentences to the prisoners who were to be hanged and to all the others who were obliged to assist at hangings.

Q Did you act as interpreter for all the hangings that you personally witnessed by the accused Kilian, or only some of them?

A Not all of them. By several of them.

Q Is there anything further you can tell the court about Kilian?

A I understand for every hanging Kilian got something to drink, a kind of vodka, and he was very often in the evening drunk, and of course when he met the prisoners, something like that, it was better for the other to run away as quickly as possible for him.

Q What can you tell the court about the accused Hoeser?

A Hoeser was the first camp leader and all the prisoners who were accused for any crime in the camp, as stealing something or not good enough work, something like that, were brought to him and he gave the sentence for 25 lashes or even imprisonment of the prisoner in the bunker if he thought it was necessary.

Q Is there anything further you can tell the court about Hoeser?

A Well, the thing I heard when I was brought to Bergen-Belsen that in the last time before when I was in the bunker just before the transport to Bergen Belsen, there were several prisoners called to the clothes store in the camp. And there, as normally in these cases, was a little riot because the clothes were given out that the prisoners should take them with on the transport. That Hoeser put out his pistol and shot several prisoners, wounded them or even killing. One eye-witness of that told me. This eye-witness is in Paris and if necessary can be called. I think that is all.

Q What can you tell the court about the accused Wiener?

A By the first two hangings in the camp there was a lager communist. I mean the first prisoners of the camp was a German communist and the camp leader ordered him to hang those two. He refused it and was sent to bunker. The other communist who had better position in the lager refused to do it too, and so far as I know, Zwiener volunteered to do it. Then he was first prisoner chief in the camp for several months. He promoted all the other criminals and worked in this way as the camp leader and roll call leader wanted it. Then later on the communists worked it out that he was put on off days and the communist chief prisoner come in his place. From this time on Zweiner was still one that he worked for the gestapo as communist.

Q Did you see any of the hangings performed by Zweiner?

A No.

Q What can you tell the court about the accused Walenta?

A Well, I can just tell that what I heard in the bunker from the other prisoners. I heard that Walenta was another big help for Sander for the chief of the S.D. to the bunker story.

DEFENSE COUNSEL: If it please the court, can't the witness be instructed to speak out loudly enough so that everyone could hear?

A The translation was not quite as I said it. I said that Sander was this one who made all the action about the people arrested and brought to bunker in the bunker story in December1944 and winter 1945, but he was not the leader of the camp or the bunker. And then I saw personally when a new Russian prisoner was brought to bunker that Walenta was beating him and then I heard that before we left Dora for Bergen-Bensen that Walenta was released as civilian to the gestapo in Nordhausen. That is all.

Q Do you know how many blows Walenta gave this person who was beaten?

A He wasn't hitting him with just his fist.

Q Do you recall how many blows he gave these prisoners?

A Well, I heard that very often but I didn't see him but this one evening.

Q What have you heard about Walenta?

A Well, all the people in the time when I was arrested and brought to bunker told me that he was an informer and then afterward when I was in Bergen-Belsen I was told over that he organized between the Russian people an organization to deliver the people who were in bunker. The Russian prisoners were willing to do it and when the organization was ready, Walenta told all about it to the gestapo. And I just remember now that one of the Russian prisoners of that organization was in the same room in the bunker as I was and he told me about that too.

Q And what was the result of this action by Walenta?

A The result was that a much more Russian prisoners were arrested.

Q Do you know what, if anything, happened to them after they were arrested?

A Well, one of them who told Walenta that if they got the bunkers free he will cut the throats of all the SS, was shot in the last days of the bunker.

Q Do you know what happened to this prisoner after he was shot.

A No. That was the last night the S.D. come and took out six or seven German communist prisoners and just one Russian and shot him in the small court behind the bunker.

PRESIDENT: Court will recess for twenty minutes.

(The court recessed at 1000 hours.)

(Whereupon the court reconvened at 1020 hours.)

PRESIDENT: The court will come to order.

CAPTAIN MCGARRY: Let the record show that all members of the court are present; the prosecution and defense are represented by counsel; all of the accused are present; the reporter is present.

At this time we have a new interpreter who will have to be sworn.

PRESIDENT: Harry W. Ebert will be sworn as interpreter.

(Whereupon Mr. Harry W. Ebert, U. S. Civilian was sworn as interpreter.)

CAPTAIN MCGARRY: At the end of the last session the witness Patzer was still on direct examination.

PRESIDENT: The witness is reminded that he is still under oath.

TADEUSZ PATZER, called as a witness by the prosecution, being first duly reminded that he was still under oath, resumed the stand and testified through an interpreter as follows:

DIRECT EXAMINATION, continued

QUESTIONS BY CAPTAIN MCGARRY:

Q At the close of the last session you were asked, "Do you know what happened to this prisoner after he was shot?" Will you please tell the court what you know about that?

A That was a formal execution and the people got--everyone--shot. I heard that someone gotten two shots. That meant that the executors shot them deadly and this one who was not dead after the first shot got another one. Then speaking from the execution in the bunker I would like to tell that once in the early morning I was calledout of the cell, my cell, and I got a verdict to translate. There were two bodies motionlesscovered with blood and wounds lying near the small execution place in the bunker. The sentence was that they shall be hanged. Kilian was obliged to lift them and hang them.

I know that there were two Russians accused as members of the

organization. It was in the time when the organization was in Dora a communistic organization with members of all nationalities and I know that those two people were beaten in the bunker during the interrogations. I can't say with one hundred percent, I am not one hundred percent sure that they were dead but anyway they were motionless and they didn't know what happened to them and in this stand they were hanged. I know that people who were beating in the bunker was Buehring, Sander, Alenta, Kilian, a certain Jumbo who is not here, a German criminal prisoner. I heard the interrogations which took place in the corrider in bunker sometimes until three o'clock in the morning. The answer required was yes or no. If the answer was yes the prisoners were hanged in a few days. If no the beating started again. There were three people beating at once. For every side one and one over the head. That is all.

Q You have identified the accused Maischein. What can you tell the court about Maischein?

A Well I knew very well the capo of crematorium in Dora. It was a German criminal prisoner who was in charge of all crematorium things, and he told me one morning that were obliged all to walk out from the crematorium and he know that Maischein was there by burning two unidentified persons. Anyway they were not prisoners in the camp.

Q Do you know when this took place?

A Well I couldn't tell it now.

Q PROSECUTION: The prosecution has no further questions.

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q You acted as interpreter for the accused Simon did you not?

A Yes.

Q Will you describe to the court just what he said to the prisoners who were selected to go on this transport, this invalid transport?

A I don't remember anything that he said to the prisoner, but he said to the other people, I mean not actually to the prisoners who were going on the transport that they will be sent in another camp because here there is only people needed who can work.

Q To whom did he say that?

A To all the people who were working in this Labor Statistics Office.

Q Were you in the Labor Statistics Office? Did you have your office or desk there with the accused Simon?

A No, I didn't, but I was always as a member of the arbeitstatistics. However, I worked as interpreter for the whole camp and the SD and the political office.

Q It is a fact, is it not, that the people who were selected to go on this transport were mostly from the hospital--sick prisoners?

A That is what I said, but the amount was filled up with weak people from working groups.

Q How many people did this shortage consist of? Do you understand what I mean by that?

A Well I couldn't tell you. Anyway it was several hundred--one, two, maybe three transports. Maybe it was even three hundred in one of them.

Q By that do you mean that three hundred people who were not in the hospital or convalescents were selected by the accused Simon--is that what you mean?

A Well not only three hundred because there were several groups who had only the weak people and just the capo was obliged to send a part and only when no other people was found in the night I was with Simon. This night there were in several blocks and he just selected people one by one.

(Patzer-cross)

Q It is a fact, is it not, that Doctor Kahr is the physician in charge had to examine all the people who were to go on this transport?

A Well it should be so but a transport of a thousand has to be sent so if not this one another people should go and it is not possible to examine in a very short time because the transport was set up something about 24 hours before the transport left.

Q Who selected the sick people from the hospital and the convalescent blocks? Who were to go on this transport?

A Well I couldn't tell that because I wasn't there but I suppose that they were doctors.

Q Well the accused Simon had nothing to do with that, isn't that so?

A With the sick people no, but with the other I was with him together so I know that he had to do something.

Q Do you know any of the people by name who were selected by Simon to go on this transport?

A No, I couldn't tell the name.

Q Didn't you know any of the people who were selected?

A Well I knew several but not by name, just by their faces and because I saw them several times.

Q Now do you know where the orders eminated from? In other words who gave the orders to make this transport to set it up?

A I am sure that the camp, the leaders in the camp asked for it but the direct order came from outside--where I don't know.

Q Did you see any written orders which came to the office of the accused Simon with regard to formulating or making up of these invalid transport

A I didn't.

Q Were you present when the transport was actually assembled and prepared for march?

A I was.

Q Isn't it a fact that at that time there were more than the one thousand people who were required for the transport and that the accused Simon

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Q Were you present when the transport was actually assembled and prepared for march?

A I was.

Q Isn't it a fact that at that time there were more than the one thousand people who were required for the transport and that the accused Simon

selected a certain number who had asked to stay behind and permitted them to remain?

A It might have been. I haven't seen that.

Q Will you tell the court please the exact dates, as nearly as you can remember them, in which you worked as an interpreter for the accused Simon?

A Well I can't tell the exact date but anyway I started in the whole camp near the tunnel--before the camp and it was anyway in December '44.

Q In December of 1944 you say or '43?

A '43, sorry.

Q Were you associated closely enough with the accused Simon so that you would know the system or methods used for allocating labor to the different details?

A Well I heard a lot about it and I saw a lot about it, but I can't tell all the facts. I know only that the civilian firm required prisoners sent a letter asking for it and Simon had to sign it and to give an order to another prisoner working in this office to select a certain group of certain fact men or other people which had to go and work there.

Q By "fact men" you mean specialists, is that correct?

A Yes.

Q And it is a fact, is it not that this request which came from the civilian labor allocation office was the governing criterion for the selection of prisoners for certain jobs, is it not?

A Anyway no prisoner could be sent to work or no specialist without the consent of this office-that means of Simon.

Q Well now, for example, if the civilian labor allocation office asked for one hundred carpenters, did Simon have any choice about refusing to send one hundred carpenters or if he had one hundred carpenters did he have to send them?

A Well they couldn't say it alone, they couldn't try to go to the firm. It depends what the firm--it depends who was it, yo know if it was just a private firm as it was, for instance, in Nordhausen, who could ask for him or it but Simon was not obliged to send them if he hasn't got them, but for the tunnel I think he was obliged to do that.

Q You do not know for certain then whether how much latitude or how much element of choice Simon had in making work allocations, is that correct?

A No.

Q Now when it came to selecting the actual prisoners by name who were to fill these requisitions, isn't it a fact that that was done by a capo and a prisoner in the work statistics office.

A That is true because Simon gave just an order number and specialty and the capo had to do it further because Simon didn't know the prisoner.

Q So, in other words Simon had nothing to do with the assigning of specific prisoners by name to any given detail did he?

A No, but in the case that he knew someone personally and he wanted or didn't want him to do this or other work he could say no and he could do as he wanted.

Q Did you ever see him interfere in that manner in any case?

A Yes.

Q Will you please tell the court the name of the individual whom Simon selected by name for a certain detail?

A Well I can't tell the story from myself. I was punished by Detmers to four week penal work and Simon didn't send me to the penal work because he needed me. He only sent me to the tunnel to work in the tunnel arbeitstatistics.

Q Do you know whether or not Simon consulted with Detmers before he changed that order?

A He didn't.

(Patzer-cross)

Q How do you know that?

A Because a few days later Detners saw me and asked, "Why do y u come that you are not in this penal company?" I just said, "You know Simon sent me down." and he was furious about it.

Q What was the approximate date when this incident occurred with Detners? I mean by month. I don't care for the date.

A It was in spring '44.

Q It is a fact, however, that those cases in which Simon would select individual prisoners for specific jobs were the exception and not the rule, isn't that so?

A Yes, it was so.

Q This execution of the Seven Italian prisoners--do you know whether or not they were prisoners of war?

A Yes, I know it.

Q How do you know that please?

A Firstly all the people came in uniform. Secondly they all told me that they are prisoners of war and thirdly all the SS leaders spoke from them as from prisoners of war.

Q Do you speak Italian?

A Yes.

Q Did you speak with any of these prisoners at all?

A Quite a lot.

Q It is a fact, is it not, that this incident occurred around September of 1943?

A No, I said in December, '43.

Q I am speaking now of the arrival of the Italian prisoners, not the execution?

A Well it may be it was late in September or early the next month. I couldn't tell it exactly.

(Patzer-cross)

Q It is also a fact, is it not that at that time or just prior to that time Italy was an ally of Germany, isn't it?

A Yes.

Q It is also a fact, is it not that for quite some time there was very definite doubt in the camp as to the status of these prisoners who were members of the Badoglio Army, isn't that so?

A Yes, that is quite true.

Q It is also a fact that their exact status as prisoners of war was not determined until a later time, isn't that so?

A Well I couldn't tell about it. I don't know, but I just wanted to say one thing. The people in the camp, the prisoners they were usually never executed only hanged and if they were shot so that means that they were prisoners of war.

Q Did these Italian prisoners with whom you spoke tell you that they had been captured because they were fighting the Germans behind the German lines?

A They didn't tell me that. They did only tell that they were against Germans and therefore they were brought here.

Q Now seven of these prisoners you say had refused to work. How long after this refusal was the execution held?

A Well I couldn't tell exactly but I think something about a few weeks at least. Maybe more.

Q Do you know or did you hear during your stay at the camp and about that time of the negotiations which took place between the German government, the SS authorities and the Italian Government or one of the Italian Governments which existed at that time, relative to the status of these prisoners?

A No, I didn't. I was only a prisoner. I couldn't know about the things.

(Patzer-cross)

Q Do you know whether or not those prisoners were given a military trial?

A I don't remember it more but--no couldn't tell about it.

Q But it is a fact I believe you said that several weeks intervened between the refusal to work and their execution, is that right?

A Yes.

Q What was the name of the capo of the crematorium who was a good friend of yours?

A It was my good friend, it was just I knew him. His name was Franz Fuchs.

Q You told you about this incident in which the accused Maischein was supposed to have participated, is that right?

A Yes.

Q Was that in the year 1944 that he told you this?

A Well anyway it was in '44 but I don't know when?

Q Was it in the early part of the year, the spring, the summer--about when in the year?

A I don't think I could tell you when it was.

Q Well was snow on the ground? Was it winter time or was it hot? Was it summer time?

A It was either in spring or in autumn. It was no snow or it was no summer but I can't remember whether it was in spring or in autumn.

Q You are quite certain that it was not winter?

A I think I am.

Q Now what were the dates in which you worked as an interpreter for the political abteillung, approximately?

A From January '44 until the time I was in bunker until February '45.

Q Did you ever hear of an Obersturmfuehrer Heinrich?

A I didn't. I just wanted to say this political office was just a registrar of all prisoners but the name was political office.

Q Where, in what building was the office of this political office?

A When you first came in the camp it was the first building at the gate on the right.

Q Would you please step up to this chart here of the Concentration Camp Dora which is Prosecution's Exhibit P-22?

A (Indicating on chart) Here were rooms of Simon. The first room here in the corner (indicating) was the Labor Allocation.

DEFENSE COUNSEL: Let the record indicate that the witness is pointing to the southwest corner of the building marked "Labor Allocation."

A (Indicating) Here was the Simon private room.

DEFENSE COUNSEL: Let the record indicate that the witness is pointing to the east side of the building marked "Labor Allocation."

Q Now will you please point out to the court where the Political Abteilung was?

A The next room to this one here (indicating) was the political office, and the one opposite.

DEFENSE COUNSEL: Let the record indicate that the witness has indicated two spots just north of the room which he earlier identified as Simon's office.

A I wanted to tell that here between the Labor Allocation and the second room of Political Office was the room of one SD officer, one who came later and was sleeping in this room (indicating), between there and the interrogation room.

DEFENSE COUNSEL: Let the record indicate that the witness has

pointed to a room on the west side of the building titled "Labor Allocation."

Will you please be seated.

Q Now, will you please explain to the court from your experience as an interpreter for the SD how sabotage cases were handled?

A Yes.

Q Let me ask you individual questions. Perhaps that will expedite matters. Let's start out with the earliest dates about which you know. What was the earliest date with which you came in contact with sabotage interrogations by the SD?

A That, it was early in '44; I think so -- it was in January '44 in the time when the first barrack in the compound was filled up with prisoners.

Q Now, it is a fact, is it not, that all sabotage matters were handled initially by the SD? Isn't that right?

A Yes, but it had to be decided if it is sabotage or not.

Q And how was that determined?

A In not clear cases the roll call or the camp leader had the cases in his hands and sometimes he said, "I don't want anything to do with that; I will send it over to the SD."

Q Now, how would the matter be brought to the attention of the roll call leader or the camp leader?

A Firstly, the capoes or civilian or a special prisoner who had the control over the working or, later on, the so-called camp police made just a short note, giving the number of the prisoner, his name, and what happened. I would like to say something else. If it was a civilist, usually it came to Simon's office.

Q You mean if it were a civilian who made the report?

A Yes.

Q Now, once the preliminary determination was made that the act in

question might be sabotage, it was then reported to the SD, is that correct?

A Yes.

Q Then, it is my understanding that the SD made the necessary interrogations which you have described; isn't that so?

A Yes.

Q Now, the SD prepared a report of the result of their interrogations, is that correct?

A Yes.

Q And to whom was that sent? Do you know?

A Well, I can't tell it; I can't just guess it.

Q Did you ever see any of these reports addressed to anyone?

A No.

Q Now, you worked in the office in Niedersachswerfen, did you?

A No, I was just moved for a special case for a time needed and then I was moved back.

Q Now, did you ever hear during your presence in the camp or in the course of your duties that these reports were sent to a higher SD headquarters at Weimar or some other similar place?

A That is what I guess but I never heard anything exactly about it.

Q Do you know the name of this Werrant Officer who was the SD representative at Dora in 1943 and the early part of 1944?

A I don't remember the name any more. If I could hear it, I could tell you whether it is this one or not.

Q Was it a man by the name of Schuppenhauer?

A It was something like that name, but it isn't his name.

Q Was it a man by the name of Hoffmann?

A No, Hoffmann was a Captain of SD and he was in the first time only in -- on the other side -- in Niedersachswerfen.

Q And I am sorry -- what was your answer about the man Shuppenhauer? Do you remember that name?

A Well, I remember now it was Oberst rfuehrer -- I mean First Lieuterant of the SD. He worked with Hoffmann on the same side, but only shortly. I think it was in the late Autumn '44 and maybe in early Winter '45.

Q Do you know his name?

A Well the name was something like that.

Q Huwe?

A No, Schuppenhauer, or, I can't tell you exactly.

Q Did you ever hear the name Huwe? H-U-W-E.

A Yes, it was one of the Warrant Officers, Sturmscharffuehrers, who worked -- yes, he worked --- he was one of them who worked in the camp in this room I told about. Or, maybe Hauptscharffuehrer -- I can't remember.

Q Now, was there any time during your presence in the camp that you know that interrogations concerning sabotage were conducted by anyone other than the SD?

A I don't remember a fact like that, but for the case before it was stated if it was sabotage or not, then the roll call leader or Simon or the camp leader stated if it was a sabotage or not.

Q But this person, whoever it was -- the camp leader or roll call leader -- who performed this preliminary interrogation had no authority to order an execution before the SD investigated further in the case and determined whether in its opinion it was sabotage?

A No, but he could beat the prisoners so far that the prisoner earlier or later died.

Q But he could not order a hanging, for example -- an official hanging?

A No.

Q Now, you have testified that there were certain beatings in the course of interrogations administered by the SD. Did you see any of these beatings yourself?

A Yes.

Q Are those the beatings which you have already told the court about?

A Well, so far as the question of the Niedersachswerfen -- or camp or roll call leader in the camp, but not in the time as when he was interrogating the people in the bunker. I mean, I was an arrest, too, so I couldn't see it.

Q I am afraid I don't quite understand your answer. In this bunker where the SD conducted these interrogations and where these beatings were supposed to have taken place, did you see those beatings?

A I heard it and I saw people after this beating when they came into the same room I was and I heard about it from the people who saw it, but I couldn't see it, being in the cell myself. I would like to say that if I say I heard it, it doesn't mean that somebody told me about it, but I heard the screaming of the people and I heard the lashes because it was in the corridor just outside my cell.

Q I believe you made the statement that you did see the accused Wiener conduct one of these beatings, is that correct? That was my understanding.

A No, it wasn't correct. I said that Wiener beat the prisoner but not in the bunker. It was in the time when he was -- how shall I say? -- the chief prisoner in the camp.

Q Well, that had nothing to do, then, with interrogations by the SD, did it?

A No, not in the bunker at all.

Q You also testified that you heard that Wilian and Walenta had beaten at these SD interrogations, is that correct?

A Yes, that is true.

Q Now, you didn't see them actually beat, did you?

A I told once that I saw Walenta beating a new comrade in the bunker, a Russian prisoner, and he said to him, "Won't you tell me the truth or not?" And, couldn't you just ask me about it, I wanted to mention that in the time when in the special cell, when the 26 Russians expected to be hanged, Walenta came in, together with the one for interrogation. At that time one tried to escape, but because another, an officer, was there with his gun -- I mean, with the help of other people they got the Russian down; and one prisoner told me that Walenta was proud that he killed himself two Russians who tried to escape.

Q You are referring now to the occasion in which a number of Russian prisoners tried to make a mass escape from the bunker; isn't that right?

A Yes.

Q Well, except for this one case in which you say you saw the accused Walenta strike this Russian with his fists, you did not see, yourself, Killian or Walenta conduct any of the beatings in the course of interrogations, is that so?

A No.

Q Now, it is a fact, is it not, that the beatings and interrogations were conducted personally by Sander?

A No, it isn't a fact. Sometimes Sander wasn't there and Buehring or even only Walenta conducted it, as far as I have heard.

Q But when you say "conducted it," you mean conducted the interrogation, don't you?

A It was not an official interrogation, but in this way they wanted to prepare the prisoner for an official interrogation just to oblige him to say "yes" or "no."

Q You were never present at any of these interrogations, were you?

A As I told you, no.

Q Now, where was your cell located in the bunker at Dora? What number was it?

A I changed it three times. Firstly, I was, when you came in the corridor, on the right hand side, the third or the fourth one.

Q Just a moment. Let's point out to the court here on the chart that shows a plan of the bunker at Dora.

DEFENSE COUNSEL: The witness is now going to refer to Prosecution's Exhibit P-31.

Q Now, will you point out to the court, approximately, the cells which you occupied during your stay in the bunker?

A Well, it was firstly one of these two (indicating).

Q Now, are you sure that you are properly oriented on this map?

A I am sure. (Indicating) Here was the entrance.

Q I believe ----

A I am sorry. Well, in this case, it was one of those two (indicating).

DEFENSE COUNSEL: That is either Cell 3 or 4.

A Then I was brought to Number 1, and then I was brought to 16, as you see it in my name here (indicating).

Q And where were the interrogation rooms?

A Actually, this one (indicating) was the interrogation room, but the beatings in general were here in this corridor (indicating).

DEFENSE COUNSEL: Let the record indicate that the witness has pointed first to the square marked as "Interrogation Rooms" and then to the corridor between the cell blocks.

Q Do you mean by that that the interrogations and the beatings which you say you heard were conducted out in the hall?

A Yes.

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Q Now, you acted as interpreter, official interpreter, at several of these executions -- hangings, I am speaking of now -- did you not?

A Well, it isn't quite true. It is --- I wasn't an official interpreter, because I was myself condemned to death at t is time, and I would like to say that after I read the sentences several times Buehring and Sander told me, "Tomorrow you will read your own sentence and join the field."

Q Did you act as interpreter for the hanging which took place in March or April, approximately on Easter -- around Easter -- of 1944?

A No.

Q Were yo present at that hanging?

A No.

Q Now, that is the hanging, is it not, in which the political prisoners Saymal and Thomas refused to participate in the hanging?

A Well, I think it was this me, because the execution from which you are speaking was in early spring or in late winter in '44, as far as I remember.

Q Now, you said, in relation to this hanging in which the two political prisoners refused to participate as hangmen, that so far as you know Wiener volunteered. Will yo please explain to the court what do you mean by that statement "so far as I know"?

A Well, it is just what it says. I mean, if I don't see anything or hear it myself and I only hear it from other people I suppose they are telling the truth, but maybe they just told it.

Q Then you can not, of your own knowledge, testify here that Wiener volunteered for this hanging, is that correct?

A Yes.

Q Now, do you remember who told you that he had volunteered for

this hanging?

A Not by the name, but it wasn't one people but many of them. And ---

Q You mean by that, it was general knowledge in the camp that he volunteered for this hanging. Is that what you mean?

A Yes. That is a supposition of mine. You could say the same thing for me, if somebody speak too much, that he was obliged to do that, that it must be that he volunteered, because if he was really obliged ---- Wiener told often -- I heard it, too -- that he was obliged to do it and he excused himself too much, so I got the feeling that it was something wrong with that.

Q Then, now, is it a fact that you yourself were forced to act as interpreter at some of these hangings? Is that so?

A Well, but in this time I was under arrest, so --- I mean, I was twice under arrest -- first, as a prisoner in the camp and, second, in arrest in the camp -- so I haven't my own will at all.

Q Isn't it a fact that Zwisner also was arrested in the bunker and was in there approximately at the same time you were?

A Well, he was even arrested before for a murt of his German friend.

DEFENSE COUNSEL: He said "murt" which means "murder".

CAPTAIN RYAN: "Murder" or "death"?

THE WITNESS: But I want to say that he was arrested because he murdered with other people a German friend of his.

QUESTIONS BY DEFENSE COUNSEL:

Q Did you not testify earlier this morning that certain of these communistic prisoners fixed or "worked out"—I believe were the words you used—that Zwisner was relieved of his job as camp eldest?

A Yes, I said it.

Q Now, it is a fact, is it not, that you were referring to this accusation that was made against him that he had murdered this interpreter?

A Well, Doering was not a communist.

Q What did you mean when you explained to the court, when you said that the communists worked it out that he was relieved of his job?

A So far as I have heard from this case, I know that on the one side the German criminal prisoners prepared the accusation for all the communists and the communists prepared the accusations for all the German prisoners; and, however, Doering wore a red triangle, he worked with the criminals together.

Q Do you understand what we mean when we use the English expression, when we say that a man was "framed"? Do you understand that expression?

A Framed?

Q Yes, "framed".

A I got the meaning of "framed", I mean anyway I understand that word.

PRESIDENT: You understand what this expression means?

THE WITNESS: I understand it.

QUESTIONS BY DEFENSE COUNSEL:

Q Isn't it a fact that the death of the interpreter, Doering, was

manufactured by the communist prisoners in order to frame Zwirner so that he would lose his job as camp elder?

A No, that is not true. That is not true because Boering died or was wounded after Zwirner was released and sent to Sirion, and they murdered him in Sirion.

Q Well, then, I will ask you my question again. Please explain to the court what you meant this morning when you said, "the communists worked it out so that Zwirner was relieved of his job". How did they work it out?

A Well, as I told you, both parties, so to say, brought the accusation--well, it was hard work for the communists to be alone to bring this accusation.

Q To which accusation do you refer--accusation of what?

A Well, it was, I didn't see this accusation, but as far as I know it was an accusation that the prisoners didn't do their work as they should do having such a high position in the camp.

Q And the communists succeeded in getting Zwirner deposed of his job as camp elder, isn't that so?

A Yes, together with Boering and a few other criminal prisoners.

Q And it is a fact, is it not, that that feud between the communists and the criminal prisoners among whom was Zwirner continued and followed this group to Sirion, isn't it so?

A That may be true.

Q Now, Zwirner himself was beaten by the SD, was he not?

A Maybe.

Q Did you not know of it during your stay in the bunker, or did you not hear of it?

A No.

Q Now, as official interpreter--well, strike that. As an interpreter at some of these hangings you had to translate the death sentences, did you not?

A I did.

(Fetzer-Gross)

Q Will you please give to the court the substance of what this death sentence contained and who signed it?

A Well, it was told as a member of an organization which intended to destroy the case and was intended to sabotage the work in the tunnel to the people who were sentenced to death by hanging. It was signed by the oberstursbannfuehrer or sturmbannfuehrer, Bischoff.

Q And what were the duties or what was the position of this Colonel Bischoff?

A Well, I don't know it, but he must have been one of the leaders in all this Dora organisation, so to say. I saw him only a few times inspecting tunnels, and I never saw him taking part in any duties in the camp. Because there was this V-1 and V-2, there were special officers who were working, I don't know where, and who had this case under them because it was very urgent for the German army, so that it is not the leader from the camp but the leader of the whole thing.

Q Now, did you know that there were two Colonel Bischoff's in the neighborhood of Dora, and Nordhausen, one of them was a member or worked with the construction of or had to do with the construction project, and the other who was a member of the SD--did you know that? One was a major, I am informed, and one was a lieutenant colonel. Did you know that?

A Well, I heard about it, but I never knew which one--who was who.

Q Did you know which one of these two Bischoff's signed the death sentences?

A The Obersturmbannfuehrer, Lieutenant Colonel.

Q The member who was a member of the SD, is that correct?

A Apparently.

Q You didn't know that yourself?

A No.

Q Now, will you give the court the approximate date of the earliest death sentence which you translated or which you saw even if you didn't translate it—the approximate date, the first time that you saw a death sentence?

A After February 15, 1941.

Q Now, what was the earliest execution that you attended in any capacity, either as prisoner or as interpreter?

A I wasn't by any execution before.

Q By that you mean before February 1940?

A Before February 15.

Q Now, I believe you stated that you heard that Ostmers signed some of these sentences. Is it correct that you obtained this information to the best of your recollection from the accused, Kilian?

A Well, so far as I can remember, I think it was. Anyway, he was drunk in this minute.

Q You mean Kilian, I presume?

A Yes.

Q Did you know the cook Thomas—Koenig?

A Koenig Thomas—you mean this one who was the chief of prisoners before? Well, of course, I had to know him as I was interpreter.

Q I believe his name was Georg Thomas.

A Georg Thomas.

Q Isn't it a fact that it was he who made it a practice to strike the prisoners in the Adam's apple and not Koenig?

A Well, it may be, but I saw only Koenig doing it.

Q Will you give us the approximate date of this occurrence in which you saw Koenig hit a man in the Adam's apple?

A About in '43.

(Father-Cross)

Q And do you remember the name of the man whom he hit?

A No, but it was a Russian prisoner who escaped and was brought back.

Q Did you ever see that Russian prisoner again?

A Maybe—I couldn't tell it.

Q Now, you never witnessed any executions which the accused, Kilian, performed other than the one in the tunnel, is that correct?

A It isn't true. I told that once there was an execution in the bunker when Kilian had to leave those two men, then, and besides there was another execution on the roll call place in the camp when I witnessed that, too.

Q You were present then at this mass hanging of 37 Russians in the spring of '45, is that right?

A No. At this one I wasn't.

Q Which hanging in the roll call square did you see in which Kilian was the executioner?

A As far as I remember it was I think 12 people hanged before this or after this big execution. I couldn't tell if it was before or after, anyway at the same time. It may be different from one or two weeks.

Q Who was present at that execution—I mean by that officially present—who was officially at that?

A Usually it was the SS Hauptsturmführer Hoeser from the SD, Sander, Buehring, then the camp officials, roll call leader, camp leader.

Q Was there an interpreter present?

A Well, I was the interpreter in the time when I was by it, when I was by the execution I interpreted.

Q Who was the doctor who was present?

A Well, I couldn't tell you because I didn't see it exactly the people—I was going out and I thought I would be hanged, too, so I didn't pay much attention who was present.

(Patzer-Gross)

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(Patzer-Cross)

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Q You were present then at this mass hanging of 57 Russians in the spring of '45, is that right?

A No. At this one I wasn't.

Q Which hanging in the roll call square did you see in which Kilian

Well, now, you were acting as an actual interpreter in that execution, were you?

A Well, as I said, in those, I said it before, that in those executions I took part, I was brought out from the bunker under guard--there were three men guarding me, and ordered to say I was an original interpreter. The question was just as far as I know nobody else could just translate the sentence in all the languages and, therefore, they were obliged to hold me out.

Q Well, you were the only interpreter that was--what is what I meant?

A Yes.

Q And as much you had to translate until so to be so into many languages?

A Well, mostly it was the question of the Ukrainian, the Russian, sometimes Italian and Czech.

Q And now close to the yellow were you standing when you were performing those duty?

A Well, it depends, from 10 to 15 yards.

Q And now close were you to the official party that was at this execution--by that I mean the same officials?

A I would like to say that there were about sometimes 3,000, 4,000 people and prisoners and there forming a ring and a lot of SS, not just high officials, but deputy block leaders and so on, and I especially looked for friends between the prisoners, and I didn't pay attention to the other officials, and they were walking in those circles--you know, watching the prisoners and obliging them to keep their hands on their head, and so on. That was all.

THE COURT: The court will recess until 1330.

(Whereupon at 1150 hours the court recessed until 1330 hours.)

* * * *

(Witness rose)

(Witness - cross)

AFTERNOON SESSION

(The court reconvened at 1330 hours.)

PRESIDENT: The court will come to order.

CAPT. McGARRY: Let the record show that all the members of the court are present, the accused are present, the prosecution and the defense are represented by counsel, the interpreter and the reporter are present. The witness Patzer at the close of the last session was under cross examination.

TADEUSZ PATZER, called as a witness by the prosecution, having been previously sworn, resumed the stand and testified further as follows:

PRESIDENT: The witness is reminded he is still under oath.

CROSS EXAMINATION (Continued)

QUESTIONS BY DEFENSE COUNSEL

Q This morning in describing to the court one of these interviews conducted by the S. D., you made the statement that after the interview was in progress and if the prisoner admitted his guilt the person conducting the interview could just write the sentence. Then shortly thereafter you stated it was not his duty to write the death sentences, they were written in another office. Would you please clarify to the court the correct procedure that was followed in cases of these interviews, who actually wrote or where were these death sentences written? If you know, that is?

A I never said that just the S. D. wrote the sentence. Only I corrected the interpreter. And where the sentences were written I don't know. I know only that the only interview interrogations were written down and sent away; I couldn't tell where.

Q That was my understanding of it, but I just wanted you to clarify it for the court. Do you recall an occasion on or about October 1943 in which a group of ten or fifteen prisoners together with a civilian blasting master were reported for sabotage?

A No.

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A No.

Q At the close of the last session you were telling the court about one of these hangings in which you acted as interpreter and I had asked you who was present in the official party. By that I mean, the camp officials, and I had asked you at what distance you were from the camp officials. Will you please tell the court what the distance was?

A I told you that I can't remember it well because I didn't pay any attention to that, but they passed often near me and when I read the sentence always someone from the S. D. was there, because he gave me the papers to read there.

Q You also made the statement that usually, or at this occasion rather, the rollcall leader was present, the camp leader, and I believe you said the camp commander, did you not?

A Yes, that is so.

Q Will you please name the people, these officials, whom you remember as being present at this hanging?

A I told before I saw Koenig from the S. D., and I saw Buehring, and I remember once I saw Moeser there and Brinkmann.

Q What doctor was present at this hanging?

A I told you before I can't remember to have seen him.

Q Do you remember a doctor being present at any of the hangings in which you participated?

A I can't tell you for sure. I am not sure about it. I don't remember to have seen him.

Q You do, however, remember the names of some of the other officials, do you not?

A Yes, those, just this one whom I saw coming. That is all I remember. I didn't look after that.

Q Didn't a doctor examine the bodies of the prisoners who were hanged before they were cut down?

A I never saw it. Maybe sometimes it was done.

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Q Did you remain at the place of hanging until after these people were let down from the ropes?

A Usually I was brought as quick as possible to the bunker.

Q Did you ever remain there long enough to see the people cut down?

A I can't remember it. I don't think I saw them being cut down.

Q Now Kilian was the man who performed these hangings at which you were present; isn't that so?

A Yes.

Q And you stated that you heard that he had beaten prisoners who had been hanged and were not quite dead; is that so?

A I don't know.

Q You never saw that in any of the hangings in which you were present, is that right?

A No, because,as I said, I was quickly brought away.

Q And who led you away?

A There was two who had this duty, brought me down and usually brought me there and they brought me back.

Q Did any of these accused ever escort you to one of these hangings?

A It is Buehring that always called me out from my cell.

Q And did Buehring also take you back to your cell?

A Well, he did. Some times it was Walenta. I think once it was Buehring that brought me back.

Q Now which was the first hanging in which you participated as an interpreter?

A Well, anyway it was in the second part of February 1945. I couldn't tell you if it was the one in the tunnel or the one in the roll call place.

Q And you say that you did not volunteer to act as an interpreter

for this hanging; is that right?

A Yes.

Q Why were you forced to do so? I will reword it.

A Well, I was just told to get out from the cell and then they told me that this time is not my time but I will interpret. That was all, and I am going to interpret it.

Q Let me reword my question. Why were you selected as the one to act as an interpreter rather than somebody else?

A If I remember, I told it that I think it was nobodyelse in the camp who could say things in all the languages and being all the time the interpreter they wanted to have me once again. Just a case.

Q There is testimony before this court that in March or April of 1945 there was a mass hanging of approximately 57 Russians. Now this hanging occurred after February, in March or April. You have testified that you did not act as interpreter at that hanging. Is that correct?

A Yes.

Q There has been testimony that at this mass hanging the sentence was translated by some interpreter. Do you know who that interpreter was?

A I think I know. It was a Belgian in one of the offices in the camp, a prisoner who spoke a little Russian.

Q Why wereyou not compelled to be the interpreter of that hanging if you had already acted as interpreter in an earlier hanging?

A I was arrested as all the people under the suspicion that I was in the camp organization and after they found that the Russian prisoners wanted to escape all the other prisoners who were under the same suspicion got the worse conditions. All the beds,all the plates, shoes, and everything they had in their cell were taken away from them and because I was under the same suspicion I think they didn't want me any more.

Q The S. D. then did have someone else that they could have accepted as

interpreter had you refused; isn't that so? I say the S. D. obviously did have someone else who could have acted as an interpreter had you refused to participate; isn't that so?

A I think yes, because I should see how they got another one.

Q You also have testified that you acted as an interpreter at the hanging in the tunnels, did you not?

A Yes.

Q And that occurred after the mass hanging, did it not?

A Yes, that is true.

Q Why did you not refuse to participate in these hangings as an interpreter?

A Because, would I refuse it, it won't help anybody and if I don't refuse I still have the change that I come away with life.

Q Do you mean by that that you consented to participate in these hangings in order to save your life?

CAPT. McGARRY: If the court please, the prosecution objects to these continual questionings bout why he acted as an interpreter. I fail to see the materiality of the questions; I don't know what purpose they are being asked for. I can see no purpose for the question.

DEFENSE COUNSEL: If the court please, there is a very fine purpose; there is a purpose, if the court please, and a very material one, since the defense of two of these accused is based upon the fact that they, too, were forced to participate in these hangings, and I think the court is entitled to know under that force and what pressure these people were put. This witness underwent the same experiences, exactly and he can tell the court about it.

PRESIDENT: The objection is overruled. The witness will answer the question.

DEFENSE COUNSEL: Will you please read the question?

(The question was read by the reporter.)

A Well, surely I didn't choose them so exactly, but I would like to mention still a difference between reading the sentence and hanging the people. I would like to mention that once in winter 1945 Simon told me that I have to beat the prisoners and I told him that I won't do that, because I am a prisoner too. And I didn't.

Q But on that occasion you were not in danger of losing your life if you refused, were you?

A Yes, it is true, but I could lose my position and after losing my position you know that working in the tunnel and at the blasting and so and so is a good way the same time to lose one's life, as here it could be only quicker but there it would be more.

Q Now in your own mind at the time you participated as an interpreter in these hangings, did you know or were you convinced that these hangings were illegal?

A From the Nasi regime point of view it was legal, of course, because the sentence was given and they acted against Nasi Government, but from the normal democracy point of view is the same what all the people think today about it.

Q I am asking for your point of view. Did you, yourself, feel that you were participating in an illegal act in participating in these hangings?

A At the time when it was done it was legal in all the countries occupied by Germans.

Q You were not in position at that time, is that correct, to determine the legality of that sentence, is that true?

A Surely I couldn't do it because we had no work in that you know. It was a law forced on us and force was the legal law.

Q Well, you did not know whether there had been a trial or not, did you?

A Well that order was--it was hard to call it a trial but there were no other trials in Germany at all for the foreigners so it was the

only one trial possible that was the trial that was done at the time of the interrogation that I told you about, but in this time there was no other so this one was the only legal.

Q Well my question is this: At the time you participated in these hangings acting as an interpreter did you have the clear knowledge that you were participating in what to you seemed to be an illegal act?

A The question is that I can't answer it today. To understand that is necessary to be in the camp. The best answer--maybe you will understand it if I will tell you that after we were free in Bergen-Belsen the four thousand Polish people who were there they elected me chief of the camp in th time for the English people were there, so you see that all my friends and all the other people understood it and you see the action what they took against me.

Q In testifying about the accused Kaeser you said that you heard of an incident which occurred in front of the clothing store in which he was supposed to have shot two prisoners?

A I did.

Q In telling about that incident you made the statement that as is normal there was a little riot there. Will you please explain to the court what you mean by that statement that it was normal for there to be a riot there?

A Well I don't know if the word riot is the exact word for it but if, for instance, there are new clothes given out and all the prisoners--say that everyone wants to be the first to get the better clothing and that was all that happened. The people was just pushing forward or something like that.

Q Were you ever present at one of these disturbances at the clothing store when you went to get new clothes?

A No.

Q Now you said that the witness who told you of this incident of the shooting of these two men is now in Paris. Do you know his name please or his address?

(Patzer-cross)

A Boleslaw Krokowski, a French lieutenant living in Paris, 22 rue Montera, Paris 16.

Q When he told you about this did he tell you that he was an eye witness of this incident?

A He told me, he just told me that and he even told me that that jump saved his life.

Q You understood that to mean that he was actually there and saw it, is that correct?

A That is right.

Q Were you ever present at a hanging in the lumber yard, or the wood yard?

A No.

Q You never participated there as an interpreter at one of those hangings?

A No.

DEFENSE COUNSEL: I have no further questions.

DOCTOR AHRIMER: I have a few remaining questions in cross examination for Maischein and Simon.

QUESTIONS BY DOCTOR AHRIMER:

Q Mr. Patzer you talked about the capo from the crematory. Isn't it correct that before a body could be burned that a slip signed by the physician had to be presented?

A Yes, that is correct.

Q And who was, at the time when the camp crematory capo Fuchs told you about the cremating by Maischein, camp physician in Dora?

A Well because I don't remember the time when it was I couldn't tell who was the doctor in this time.

Q Was not Doctor Kahr camp physician in Dora until the end of 1944?

A Well maybe yes, but I had very few things to do with the hospital

and therefore I was there only a few times and specially a Doctor you don't see him every day because he got just his office and I can't tell it exactly.

Q But isn't it correct that there you most likely heard the name of Doctor Kahr not only in Dachau but also in Dora?

A Of course I saw him a few times walking towards the hospital through the camp.

Q Did you hear about it that Doctor Kahr came away from Dora only in February, 1945?

A Well the one thing I know for sure is that Doctor Kahr was in hospital in autumn '44 because he told the capo that the Gestapo was looking after him and afterwards then I was going with an SS squad to the small work group in Cologne to take all their names of them and I came first back to Dora after a certain time and a few times later I was arrested so I have no record what happened in the camp in this time.

Q Is it correct that Maischein was SDG in troop dispensary in Dora?

A I think it is. Later on he was going to an outside camp.

Q And the troop dispensary was under the first camp physician in Dora, is that correct?

A I couldn't tell it.

Q Don't you know who Maischein's superior was?

A I don't know.

Q Do you know an Austrian by the name of Arthur Bernhardt who was an inmate in the ration supply store?

A Yes I knew him.

Q This Alfred Bernhard has testified here in court that the execution of the seven Italians occurred on the 15th of December '43. Is, in your recollection that date, namely the 15th of December '43, correct or not?

A As far as the month is concerned, yes.

Q You mean to say by that that you do not recall the day of the month

in December, is that right?

A Yes.

Q But you do remember the fact that these people refused to work occurred a few weeks before the execution was carried out, is that right?

A That is what I said.

Q Can I suppose then, that the fact that these Italians refused to work did not occur later than the end of November '45, is that right?

A It is up to you. I can't tell you anything more exactly.

Q Isn't it a fact that Simon came to Dora for the first time only a few days before the execution of the Italians?

A The one thing I remember is that Simon when this action started told me personally that--well I can't remember the exact words--that he would like to see this Italian people shot for the refusal of work.

Q When you speak of an action I suppose you are referring to the execution of the Italians, is that right?

A No, the refusal.

Q Do you want to say by this then that Simon was already in Dora at the time when the Italians refused to work?

A Anyway he was after anything was made against them, I mean maybe that they refused the work just a few days before he came but anyway he was there before anything was made against these seven who refused to work.

Q But you don't know how the investigation which eventually ended in a trial was conducted do you?

A I said that I didn't know.

Q Isn't it correct that the remark of Simon that he would like to see those men shot was only an expression of his personal opinion to you and nothing else?

A Well it is quite possible that it was just an opinion expressed to me but I couldn't believe that he just told me and nobody else about that. I was the last one to be told about it.

(Patzer-cross)

Q You have stated during cross examination by Major Poullada that Simon had selected some more men for the transport in January, February, or in March. Isn't it correct now that according to the statement which you have made, isn't it correct that the people who were selected by Simon according to the statement you have made were later on examined by the physician and then earmarked for the transport?

A In general it should be done so, but as I said one of those three transports was made in about 24 hours and even in the last moment there were still some people brought to fill the number to thousand and often there was really no time to let the prisoners to be examined by a doctor.

Q Do you want to say by that that these several hundred people who were selected by Simon were not examined once more by the physician?

CAPTAIN MCGARRY: If it please the court, I object to this entire line of questioning on the ground that it is repetitious. Major Poullada has asked almost every question that the present defense counsel has asked on his cross examination and now this defense counsel is going over almost word for word asking the same question. It seems just duplication by the two attorneys.

DOCTOR AHSIMER: I think the prosecutor is mistaken. I am not referring to the transport in general, I am merely asking about the people who were selected in addition, not the regular transport--whether or not they have been examined by the physician or not.

DEFENSE COUNSEL: I may be mistaken as to the intention of the counsel but I recall that I asked whether the people who were selecected for this transport were examined by a physician. He is trying to narrow the investigation down to additional people that Simon was supposed to have selected. I did not cover that in my cross examination.

PRESIDENT: The objection is overruled.

THE WITNESS: Well I can't say it surely. Maybe they were, maybe not but it was not big help if they were because those were weak people and somebody had to go. The doctor couldn't stop all the persons because if

not t is one another one will go.

Q Is it correct that Simon repeatedly ha bonus tickets distributed to details.

A Well it w s but it was luck if everyone got 50 phennigs a week not enough to buy---. I mean it was just nothing and in several groups the people didn't get nothing for most it wasn't regular. It was done but it wasn't regular. It was in very small amounts.

Q But isn't it correct that bonus tickets for more than 50 phennigs was also distributed?

A That is true. Especially for the group leaders, the capos, for the people working in offices and for--it as a big luck for a simple worker that he got it and the people in offices didn't need it because they got other sources to help themselves.

Q Isn't it also correct that Simon had additional food distributed or issued to certain details?

A Yes, that is true. It was with the food the same question as with the money.

Q What happened to intelligent prisoners in Dora?

A It is too difficult to answer this question in general. If it w as one who could speak well German and who could and whose specialty was one needed in the tunnel he could organize his life better with better work, but if it was just a thing not needed in the camp he could be as intelligent as possible, it wouldn't help h m.

Q. Then it is not right that Simon principally p t intellectuals in the tunnel to do hard labor?

CAPTAIN MCGAHEY: If it please the court, I object to this question. There has been no testimony on direct examination that Simon ever put

(Patzer-cross)

intellectuals in the tunnel.

DOCTOR AMEIMER: I would like to make the following remark. One of the first statements the witness made was that Simon was responsible for everything which was connected with the labor assignment in camp. That has opened the drawer to everything which is connected to labor assignment and consequently I have the right to pursue this line of questioning withing the framework of orcs examination.

CAPTAIN RYAN: If your honor please, I think if he does go along that line he should qualify his questions and be more specific. He is speaking in generalities and the witness doesn't know what he is talking about. If he is going to ask th t type of question let him qualify it. If he knows. If he doesn't---

PRESIDENT: The objection is sustained.

QUESTIONS BY DOCTOR AMEIMER:

Q Do you know, based on your experience or your activity in the camp, if Simon in his capacity as Labor Assignment Chief discriminated against intellectuals and purposely put them to hard labor in the tunnel?

A Anyway as far as he needed them he didnIt do that and I don't know nothing about special action by him done in this direction.

Q Is it correct that Simon had to report every evening at 6 o'clock at the construction headquarters in order to receive orders?

A I know that he had to go to a certain reunion from those people, but I don't know that it was every evening.

Q Did you ever observe that Simon tore up reports about sabotage which had come to him through channels?

CAPTAIN RYAN: If it please the court, I think the defense attorney should qualify his statements as to whether he knows. There is no testimony here of any reports or anything else having been torn up by Simon.

PRESIDENT: I don't think the question was translated exactly. I think it was "Did you, yourself observe?".

Q Did you, yourself---

A No.

Q Did you ever hear about it?

A I don't remember I heard.

Q Did you hear anything at all about sabotage reports which came into Simon's office?

A I think I saw some of them coming but I don't know what happened to them later on and I think I remember a case which I saw first in his office and then I had to translate in the SD but I am not quite sure about it.

Q You were for four weeks with the Labor Statistics Office in the tunnel. What was the mission of that office in the tunnel?

A I didn't tell I was four weeks down there; I just told that Detmers gave me a fine of four weeks labor and Simon sent me down, but I was there just a few days during the card index -- the registrar -- so I can't tell a lot about the office down in the tunnel.

Q Did you get there any kind of sabotage reports into your hands?

A I didn't.

Q What was your job there? What were your duties?

A Well, it was registrar for certain specialists, and I just was doing order in those registrar. I was just ordering them after the name -- after the first letter of the name.

INTERPRETER ROLAND CARROLL: "I put them in order."

Q Who was your superior there in the tunnel?

A I worked --- This time it was a German criminal Schubert.

Q And who was the superior of that criminal Schubert?

A Directly it was under Simon.

DR. AUSTIN: No further questions.

DR. REMER: One more question for the accused Walenta.

QUESTIONS BY DR. REMER:

Q In connection with the executions, you have stated that Walenta took you back into the cell. Did you want to say by that that Walenta took you back to the cell only within the bunker building ?

A As I told you, I was in the SS guard, so they took me to the bunker, so Walenta just bring me from the bunker to the cell, as I told.

Q You mean to say that Walenta did not participate in the executions?

A I didn't see him there.

DR. REMER: No further questions.

(PATZER-Cross)

QUESTIONS BY DEFENSE COUNSEL:

Q In this incident in which this French Lieutenant told you that Woeser was supposed to have shot some people, did he say whether all of these people who were shot were shot to death or were just shot at?

A Anyway they were wounded.

Q Did you know a Hauptscharffuehrer Mueller who was in charge of supervising the building of barracks?

A Well, in the first time when the new camp was built up there was such a Hauptscharffuehrer but later on he disappeared and Jacobi was alone.

Q What did this man Mueller look like?

A Well, it was -- he was small and then thin and very active. I mean, he moved very quickly. It was a big beater, too -- known as a beater. The people who were transported to the barracks feared him a lot.

Q Did he have light or dark hair

A I can't tell you any more.

Q Did any of the death sentences which you translated get broadcast over the loud speakers in the camp?

A I can't remember.

Q Did you ever hear or do you know that sentences were made public through the radio in the camp?

A I think, I can't remember.

Q Did you know a prisoner by the name of Peter Schrauer?

A Yes.

Q Did you hear that at this hanging about which you have testified in which Szymcak and Thomas refused to be the hangmen Schrauer had taken their place?

A I only know that Schrauer did hanging.

Q Did you hear or did you know?

(PAT ER-Cross)

A That I can't remember, and it was the same fact; I know only that Schrauer hung just once a German criminal who was a personal enemy of him.

Q Now, it is a fact, is it not, that the sabotage reports which came to the Labor Statistics Office, or to the Labor Allocation Office, were only the reports made by civilians? Isn't that so? I think you so testified.

A Yes, I said so, but I think I remember that several capoes brought the same thing sometimes.

Q Is it not a fact that the sabotage reports which came to the Labor Allocation Office were merely copies of those which were sent directly to the SD and that the purpose of sending the copy to the Labor Allocation Office was so that that prisoner named in the report could be removed from the active workers list and would not be sent to work again until the matter was clarified as to his responsibility for sabotage?

A Well, maybe it was so, but anyway it isn't true because if anyone was accused of sabotage he was brought at once to the bunker, so he couldn't be sent to work anyway, so this report wasn't needed to stop him from being sent to work again.

Q Well, the Labor Statistics Office had to be kept informed of what prisoners were available for work, did they not?

A It is -- because, as I said, it is possible.

Q Now, you testified that a certain Russian and several German Communists were shot by the SD on the last night. Is it correct that, so far as you know, none of the accused here present had anything to do with that particular shooting?

A The Russian prisoner who was shot was in the same cell as I was, and Buehring called him out of the cell.

Q And who was supposed to have shot him?

A I can't tell it; I just heer the shots.

Q Did Buehring also call the other six German Communists from their cells?

A I couldn't tell it; I just told that they were called one by one out of the cell. They were into the other cell.

Q Now, you testified that it was an execution in the court yard, did you not?

A Yes, I said it.

Q Did you hear several shots then when this execution was taking place?

A Yes, I did.

Q And didn't you hear or know afterwards who was performing this execution?

A No, I just heard that the last one was shot by Max Deckert. That is all that I heard about -- the last one, the Russian who was shot.

Q And the others were Germans, is that correct?

A Yes.

PRESIDENT: The court will recess for 15 minutes.

(Whereupon the court recessed at 1445 hours.)

* * *

(Whereupon the court reconvened at 1500 hours.)

PRESIDENT: The court will come to order.

CAPTAIN McGARRY: Let the record show that all members of the court are present, prosecution and defense are represented by counsel, all of the accused are present, that the reporter and interpreter are present.

The witness Patzer had just finished his cross examination.

PRESIDENT: The witness is reminded he is still under oath.

TADEUSZ PATZER, called as a witness by the prosecution, resumed the

(PATZER-Cross)

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TADEUSZ PATZER, called as a witness by the prosecution, resumed the

stand and being reminded that he was still under oath, continued to testify through an interpreter as follows:

DEFENSE COUNSEL: The defense has no further questions.

CAPTAIN McGARRY: The prosecution has no further questions. Does the court have any questions?

PRESIDENT: Colonel Thomas.

EXAMINATION BY THE COURT

QUESTIONS BY LAW MEMBER:

Q Referring to the three transports. What was the reason for these men being sent out of camp, if you know?

A They were too week to work.

Q And it was not a requisition from some other camp for a thousand prisoners?

A No.

Q Referring to a statement that you made in cross examination. You said that the interrogations were written down and sent away. Do you mean by that that the entire proceedings was written down, such as we are doing in this court, or was it a summary of the testimony?

A It was rather a summary. Only answers and questions directly needed were written down; all the others were not written down. I would like to mention that all that was typewrited so it wasn't possible to take all the answers and questions, just a summary.

Q Then it was possible through force, beatings, to compel a witness to testify the way the interrogators wanted him to testify and send that in as a summary of the entire evidence, is that right?

A It was possible and it was done very often.

Q When you were interrogated by Detmers, were you beaten?

A No.

Q Were you mistreated in any way?

A No.

Q Were you ever beaten in camp?

A Yes, in Camp Auschwitz.

LAW MEMBER: That is all.

QUESTIONS BY PRESIDENT:

Q Did any prisoners die as a result of these interrogations? Do you know?

A I told you about the two motionless bodies who were hanged died after interrogation. That is all I know.

PRESIDENT: Colonel Benson.

QUESTIONS BY COLONEL BENSON:

Q You stated you saw Jacobi beat several prisoners?

A Yes.

Q What was the reason of these beatings, if you know?

A I am sorry, but I have to answer you in general. If a prisoner is beaten, of course, he can't work even so good as he worked if -- before this beating, and, therefore, a next beating would follow.

Q Did any of these prisoners die as a result of beatings, to your knowledge?

A I can't tell a name. I can't tell a name of a prisoner like that, but I know in general that often people who were beaten were brought to the hospital and died there, but I can't tell of a case where Jacobi beat died. It may be a case, maybe not.

PRESIDENT: Colonel Thomas.

QUESTIONS BY LAW MEMBER:

Q Referring again to this transport. If you know, was this the transport in which dead bodies were taken from the crematory and also the dispensary in order to make up the required number of bodies, alive and

dead, that were to make this trip?

A I never heard about it. I know only that some people died on the way from the hospital to the train.

Q Were they taken along on the transport or were the bodies taken back to camp, if you know?

A Well, I couldn't tell it, but anyway, if he was once in a wagon, he wasn't taken away.

PRESIDENT: There are no further questions by the court.

DEFENSE COUNSEL: No further questions by the defense.

CAPTAIN McGARRY: There are no further questions by the prosecution.

PRESIDENT: The witness may be excused. As I understand, no request is made for this witness to be permanently excused.

CAPTAIN McGARRY: If the court please, I am going to work it out privately with Major Poullada. He would like to speak with the witness to determine whether he would like to use him as a defense witness or not, and I have agreed with that.

PRESIDENT: Then it is understood the witness will be excused temporarily at this time.

(Whereupon the witness was excused and withdrew.)

CAPTAIN McGARRY: The prosecution calls as its next witness Albert DeFroy.

ALBERT DeFROY, called as a witness by the prosecution, took the stand and being first duly sworn, testified through a French interpreter as follows:

(Whereupon the proceedings were translated into the German language.)

DIRECT EXAMINATION

QUESTIONS BY CAPTAIN McGARRY:

Q What is your full name?

A DeFroy, Albert.

Q What is your age?

A 28 years old.

PRESIDENT: The witness will speak loudly enough for the court and the accused to hear him.

Q What is your address?

A 12 Avenue Evrard.

Q What is your occupation? Excuse me; just a moment. What -- in your address, what city and what country?

A Brussels, Belgium.

Q What is your occupation?

A Engineer.

Q Were you ever an inmate of a concentration camp?

A Yes.

Q Of what camp or camps were you an inmate?

A First I was a prisoner at Buchenwald. Then at Peenemunde outcamp. Then, after the bombing of Peenemunde, we came back to Buchenwald. And then we were sent to Dora.

Q When did you arrive at Dora?

A On 10 October '44.

Q And how long did you stay in Dora?

A I stayed in Dora from that day, 10 October 44 until 5 April '45.

Q And what positions did you hold as an inmate at Camp Dora?

A When I arrived at Dora on 10 October I was sent to the tunnel where I worked as a laborer. On the second of November 1944 I escaped from the camp, and I was caught about 100 kilometers away from Dora on 5 November 1944. When I came back to the camp I was beaten with a stick by some SS, and I would like to ask a question. Can I mention the people who beat me?

Q You can. I will have you identify--you can mention the people who beat you. I wanted first to find out what positions you have held in the camp.

A After having escaped and being caught I received the markings of an escapee, being white and black marks, and then I was sent to the quarry.

Q From what date to what date were you at the quarry?

A I was in the quarry for about six weeks beginning on 6 November '44. In spite of being at the quarry and in spite of the state of my health I was sent for 8 or 10 days to the camp detail. After having stayed for a few days in the camp detail, and by ruse, I took off my markings. After that I was sent to a detail at Niedersachswerfen, and then I was also sent to a German army detail. When I was at that outcamp I stayed there for about two months. After that an SS came to inspect us, and after doing so he sent us into a disciplinary outcamp. I was then sent as a miner into a detail which dug the chimney of a tunnel. At that time when I was in this outcamp I was called over to the labor statistics office by the request of an engineer of the A4. After having been in that outcamp and after having left that outcamp I went into the Vermessungs-Kommando, which means a survey detail, Number 10, where I remained until 5 April at which date the camp was evacuated.

(DeProy-Direct)

Q Now, Mr. DeFroy, I would like you to look around the courtroom and tell me if you can identify any people that you saw at Dora.

A Yes.

Q Would you please do so?

A (Indicating) there.

Q What is his name?

A Killian.

CAPTAIN McGARRY: Let the record show that the witness has identified the accused, Killian, wearing a placard number 10.

THE WITNESS: Jacobi (indicating).

CAPTAIN McGARRY: Let the record show that the witness has identified the accused, Jacobi, wearing a placard number 9.

THE WITNESS: Andree (indicating).

CAPTAIN McGARRY: Let the record show that the witness has identified the accused, Andree, wearing a placard Number 1.

THE WITNESS: Brauny (indicating).

CAPTAIN McGARRY: Let the record show that the witness has identified the accused Brauny wearing a placard number 2.

THE WITNESS: Koenig (indicating).

CAPTAIN McGARRY: Let the record show that the witness has identified the accused, Koenig, wearing a placard Number 11.

THE WITNESS: Losser (indicating).

CAPTAIN McGARRY: Let the record show that the witness has identified the accused, Losser, wearing the placard Number 15.

THE WITNESS: Simon (indicating).

CAPTAIN McGARRY: Let the record show that the witness has identified the accused, Simon, wearing the placard Number 16.

THE WITNESS: Brinkmann--Zwisner.

CAPTAIN McGARRY: Let the record show that the witness has identified the accused, Zwisner, wearing the placard Number 19.

QUESTIONS BY CAPTAIN MCCARRY:

Q Mr. DeFroy, do you have anything further to say on the identification of personnel?

A I apologize to the court for having shown the man who I pointed out as being Brinkmann because he is not Brinkmann.

Q Are you now finished with your identification, or are there more people whom you think you can identify?

A I can identify others notably Brinkmann whom I have just remembered. I can now identify him.

Q Point out the accused, Brinkmann, for the court.

A (Indicating).

CAPTAIN MCCARRY: Let the record show that the witness has identified the accused, Brinkmann, wearing the placard Number 3.

QUESTIONS BY CAPTAIN MCCARRY:

Q What can you tell the court about the accused, Jacobi?

A Jacobi was the head of the carpenter shop at Dora camp. When the prisoners met Jacobi he spread a terror wave around him.

Q In what way did he spread a wave of terror around?

A In this way, for instance, if a prisoner passed near him and did not salute him, he would call him back, slap him and beat him. Notably, one day I saw Jacobi when some prisoners who had escaped from the camp and who had been caught were called upon to carry some barracks. Having caught a prisoner who had escaped, I can't say exactly what he caught him doing, either he wasn't working or he was caught smoking, he called this man who had escaped over. He was a young Frenchman, 23 years old. He called him over and he gave him 25 strokes on the behind. That boy having been beaten before at the time of his escape, a wound which he had on his back reopened. I did not see that person die as a result of those wounds, but his death was told to me by a comrade, Marcel Lavet from Lyon. In my soul and conscience I can say that he is responsible for the death of that boy.

Q What did Jacobi beat this boy with?

A He beat him with a piece of wood. The incident took place on the lefthand side of the roll call square not far from the carpenter shop--the new carpenter shop.

Q What did this comrade tell you about the death of this boy?

A I heard from Marcel Levet, who was a comrade of escape and who was an intimate friend of that boy, and that boy told me that he effectively had died as a result of the blows which he received at that time because he was not beaten by anybody else after that. In case the court would like to hear that boy, it is possible to contact him in Lyon where he lives.

Q What else can you tell the court about Jacobi?

A Aside from that violent incident, I cannot say much more about that man, Jacobi, except that he was violent and I had occasion to observe him in my functions at the Vernehmungs because I visited the various details.

Q When you first took the stand, Mr. DeFroy, you said you were beaten. Who beat you?

A When I escaped the people who beat me were Koenig and Mueller, his assistant.

Q Describe the beating to the court.

A When I came back to the camp the 8,000 prisoners were there on the roll call square assembled. I was immediately taken inside the orderly room. There Mueller began beating me. He started by giving me numerous blows while he forced me to count them, with a stick. The piece of wood broke on my back. An SS gave him a piece of electric cable which was wrapped in rubber, and it is at that time that Koenig being there began also to beat me. I received about 100 blows--I received about 50 blows that evening. After I left the orderly room they sent me to a small house which was a sort of clothing supply room where they gave me again clothing which had targets marked on it. After leaving that place, that small house,

I was sent to the tunnel and during the whole way, until I got to the place where Koenig had his small house, at the beginning of the stairway, at the bottom of the stairs, during the whole way I was beaten by Koenig on the head and on the back. Keller had gone back to his small barrack. After I had arrived to Koenig's small barrack, he kicked me in the legs and in the sexual parts, while telling me, "So you tried to escape, you will see how comfortable you would be at the end of a small rope". I came back to the tunnel accompanied by my comrade with my hands tied together, wearing manacles. We were then placed into the hands of a camp guard, and we went to sleep. We were given a straw mattress at the place where the camp guards slept. They were the people who took care of supervising in the camp. And our punishment was to be not to have anything to eat for three days, and the first time we were given something to eat was two days later by a Czech.

(DeFroy-Direct)

Q What else can you tell the court about Koenig?

A Koenig and Mueller were actually the official whippers of the Dora camp during the months of October, November, December and January, 1943 and 1944.

Q Did you ever see or hear of Koenig beating anyone during this time, other than yourself?

A During that period I often saw and I can certify it, every Sunday afternoon after rollcall, at that time about two or three o'clock in the afternoon, we witnessed the great show, as we used to call it. On those Sundays when prisoners were whipped they were either people who had escaped or had tried to escape from the camp.

Those two people whom I have mentioned, Koenig and Mueller, actually took great pleasure in beating and whipping those people and breaking sticks on the backs of our comrades.

I can now tell you about something which I saw with my own eyes during the month of December, 1944. Two little Frenchmen who came from an outside detail somewhere around the tunnel--they were two brothers, one was 20 years old and the other one was 23 years old--having fallen asleep exhausted somewhere near the tunnel while they were working, those two Frenchmen not having answered the rollcall of their detail were looked for and they were found asleep. Those two small Frenchmen were considered as having escaped and were brought back to the camp and after having been beaten by Koenig and Mueller--I apologize to the court, they were not beaten immediately afterwards, but they were beaten the following Sunday--and after having received their punishment--I cannot say exactly whether they received 25 or 50 blows, but at any rate they received a minimum of 25 blows.

Q Who gave these blows?

A Koenig and Mueller.

Q Continue?

A The youngest one who was 20 years old having had his buttocks—excuse me for the expression—opened up, his behind was wounded, having thus been seriously wounded, he asked to go to the small dispensary which was run by a Dutch doctor. The permission was not granted and a few days later—I can give you the exact date, it was exactly eleven days later—the boy who was sufferin from gangrene, and in spite of the care which the Dutch doctor gave him while hiding, he died from gangrene. That fact can be certified to by the Dutch doctor who took care of him.

PRESIDENT: Court will recess for fifteen minutes.

(The court recessed at 1600 hours.)

(The court reconvened at 1615 hours.)

PRESIDENT: The court will come to order.

CAPT. McGARRY: Let the record show that all the members of the court are present, the prosecution and the defense are represented by counsel, all the accused are present, the interpreter and the reporter are present. The witness DeFroy is still on direct examination.

ALBERT DE FROY, called as a witness by the prosecution, having been previously sworn, resumed the stand and testified further through an interpreter as follows:

PRESIDENT: The witness is reminded he is still under oath.

DIRECT EXAMINATION (Continued)

QUESTIONS BY CAPT. McGARRY

Q What can you tell the court about the accused Koeser?

A Koeser was the chief of the prisoners' camp at Nora. That man was a true representative of German barbarism. That man, with a sadistic look, with his closed eye, and with the way in which he nagged prisoners constantly—he really enjoyed the sight of the prisoners' sufferings.

Q What did you see Koeser do, or hear that he did, if anything?

A I saw numerous hangings while I was at the Nora Concentration camp. The first executions took place in the small quarry, located on

the right siade of the camp and when we saw a prisoner going up the road accompanied by Woeser we understood that his fate was decided.

What made you understand that the prisoner's fate was decided?

A Because we knew that there was a gallows at that place and when we saw a prisoner who had escaped and was wearing targets marked on his clothes, when we saw him accompanied by Woeser we understood immediately that he was going to be hanged. Of course the whole thing was confirmed a few moments later and some times a few witnesses were called. And the exact place where those hangings took place was on the right hand side of the hospital as one went up the road going towards the hospital. Those executions took place for quite a while at that place but later they took place probably on the rollcall square.

Q Were you ever present at a hanging that Woeser was also present at?

A Yes. A hanging took place on Easter Day, 1943. If I remember well, they were two Russians who were hanged. And in February 1945, if my memory serves me well, an execution took place during which 60 Russians and Poles were hanged. On that day Woeser gave the mercy shot to a prisoner who had been hanged but was still living.

Q What happened to the prisoner after he was shot by Woeser?

A He died.

Q A moment ago you mentioned a hanging Easter 1943. Is that date correct?

A I apologize. It was 1944.

Q You identified the accused Zwiener. What can you tell the court about Zwiener?

A Zwiener was not a man; he was a beast. He was a prisoner just like us and he seriously mistreated his own comrades who were prisoners just like himself. The only difference was that we were political prisoners with a red triangle and that he wore a green triangle. One

day during a hanging the camp eldest, who wore a red triangle, refused to perform a hanging. A volunteer was asked for and he presented himself. He hanged those people, I think there were two of them, and later, on Easter Day, he hanged those two Russians. Thus he is the reason for the death of those people and as far as we are concerned, he is an assassin. That man performed his job conscientiously and he put more order into it than some SS. Some times when we went to work that person was at the exit gate of the camp and when some inmates did not keep in step or walked with their arms swinging, that man jumped on them and beat them with a rubber hose upon the head, the back, the shoulders and so on. I saw that man several times rush into various blocks of the camp and upon finding some inmates who were resting, and I was there myself one day, in Block 35--thinking that he was dealing with one of those people who were resting, he beat a person who was a convalescent, and thus was authorized not to work.

Q You have identified the accused Kilian. What can you tell the court about him?

A Kilian was a prisoner just like us and one day that somebody was needed in order to perform some hangings he volunteered to do so and became an official hangman of the camp. When a volunteer was asked for he presented himself and he hanged 60 Russians on the roll call square and also, but I was not present there because of my occupation, he hanged the 80 prisoners in the tunnel . That thing was told to me by my own German engineers who worked with me in the office and who told me about the thing. That person enjoyed many privileges in the camp because of his half professional occupation. I witnessed a small incident which took place one evening in block two, if I am not mistaken. He called with the block eldest and he answered, "You do not scare me" and I can hear that it wasn't a German who answered that to him. Kilian answered to him, "We shall see when you are in the bunker and when you are in my hands."

Q Did you attend any of the hangings performed by Kiliam?

A Yes.

Q Do you know if all the people hung were taken down from the rope dead?

A During the execution of the 60 Russians and Polish prisoners he hanged those prisoners at a rate of two or three minutes and the back bone of some of those prisoners not having been broken at the time of the hanging he finished off by beating with a stool the prisoners who were still living.

PROSECUTION: The prosecution has no further questions.

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q You have testified that at one time you were working with the WIFO firm. Will you tell the court what the WIFO firm was?

(DeFrog-cross)

A I cannot give any very exact details about the WIFO firm for the good reason that because I had the occupation of geometer and drawer at the vermissung.

PRESIDENT: Does the witness mean draftsman?

DEFENSE COUNSEL: Geometer.

PRESIDENT: The witness said geometer and designer or drawer.

DEFENSE COUNSEL: Has the witness finished his answer?

THE WITNESS: And working with some civilians in an office our chief being Mr. Hennecker. Well we only had to do with the engineers from the WIFO firm when we needed some drawings or there were questions of measurements which occurred and when the WIFO firm was liquidated--I never knew the exact reason--we were all taken over by the Henri Cardinal firm of Hamburg.

Q Now WIFO was a civilian concern was it not?

A It was a civilian firm, yes, but its cadre were composed of SS people and members of the party and police.

Q And what was the mission of this firm, if you know?

A The mission of that firm was to build the tunnel.

Q Was it then a construction firm, is that it?

A If I remember correctly that was a firm from Berlin and ourselves being prisoners we could not find out exactly what kind of an enterprise it was whether it was a government enterprise or a civilian enterprise.

There is one proving fact and that is that about a hundred or hundred and fifty people who worked in the WIFO were arrested one day and became prisoners just like ourselves. They wore a special white triangle with a "W" on their chest and some of those prisoners were liberated, mainly Germans, but foreigners and I personally know about the case of a Belgian who has just written to me to ask for an attestation that he was arrested in the camp.

Q Now will you please answer my question if you know whether this WIFO was a civilian firm which was in charge of construction of these tunnels?

A I imagine it was because mostly civilians were employed by it.

Q Do you know whether the civilian officials of WIFO controlled the construction of these tunnels all the construction work for the V-I and V-II factories?

A In my soul and conscious I must say that there was present only the WIFO firm there. There were also other civilian firms who controlled the construction of the tunnels and the digging of the tunnels for the V-I and V-II manufacturing and I will allow myself to add that when that Belgian was arrested he worked in the tunnel. His occupation was that of an electrician and belonged to the WIFO firm. I am speaking to you especially about the period of October, November, December '43 until the period of May'44.

PRESIDENT: The court will recess until nine o'clock tomorrow morning.

(Whereupon the court recessed at 1709 hours.)

MILITARY GOVERNMENT COURT

CASE RECORD

VOLUME 26
Pages 1639 thru 1771

CASE NO. 000-50-37

*[redacted] MILITARY COURT
GENERAL

PLACE CAMP DACHAU, GERMANY

DATE 16 September 1947

PROSECUTOR Lt. Col W. Berman

DEFENSE COUNSEL Maj. L. Poullada

INTERPRETERS Rudolph Nathanson, George Converse, Roland Carroll

REPORTERS Eunice L. Hasdorff
Peter L. DiCurti
Gloria E. Spears
Mabel D. Holt

WITNESSES

ALFRED DeFROY — HEINRICH VOGES

ERICH LIPPOLD — WALTER TROST

EDWARD BAUMRUECK — THEO SCHULZ

ACCUSED ARTHUR KURT ANDRAE, et al

ADDRESS _____ SEX _____ AGE _____

	FIRST CHARGE	SECOND CHARGE
PLEAS		
FINDINGS		
PREVIOUS CONVICTIONS		
SENTENCE — IMPRISONMENT	(TERM _____ (BEGINNING _____ 194_____	
SENTENCE — FINE	AMOUNT _____ TO BE PAID BEFORE _____ 194_____ FURTHER TERM OF _____ IMPRISONMENT	

CHARGE SHEET AND RECORD OF TESTIMONY ARE ANNEXED HERETO.

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SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY _____

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SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

RECORD OF TESTIMONY

in trial of

THE UNITED STATES versus ARTHUR KURT ANDRAE, et al

by

GENERAL MILITARY GOVERNMENT COURT

tried at

CAMP DACHAU, GERMANY BEGINNING 7 AUGUST 1947

16 September 1947 Pages 1689 thru 1771

TESTIMONY

WITNESSES:	Direct	Cross	Redirect	Recross	Court
ALFRED DeFROY			1714		1718
ERICH LIPPOLD	1719	1723			
EDWARD BAUMRUECK	1739	1741	1748	1749	
HEINRICH VOGES	1750				
WALTER TROST	1752	1756			
THEO SCHULZ	1757	1768			

Camp Dachau, Germany

1 September 1947

MORNING SESSION

(Thereupon the court reconvened at 0900 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present, the defense and the prosecution are represented by counsel, all of the accused are present, the reporte and the interpreters are present.

At the end of the last session the witness DeFroy was under cross examination.

PRESIDENT: The witness is reminded he is still under oath.

ALFRED DeFROY, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, continued to testify through a French interpreter as follows:

(Thereupon the proceedings were translated into the German language.)

CROSS EXAMINATION (continued)

QUESTIONS BY DEFENSE COUNSEL:

Q Mr. DeFroy, you testified yesterday that at one time during your stay at Dora you were a member of the camp detail. Did you know the prisoner Mittermueller?

A I can not certify as to the exact name, but over there we knew the case under the name of Jakob.

Q Was he the capo of the camp detail at the time that you were in the camp detail?

A Yes.

Q Did you know of his ever mistreating prisoners?

PROSECUTION: I pray the court's judgment.

PRESIDENT: The objection is sustained.

Q Now, you have testified that the accused Jacobi beat a

young Frenchman. I believe you said it was near the left side of the roll call square.

A For more information I would like to refer to the plan of the camp.

Q Yes, please do.

DEFENSE COUNSEL: Let the record indicate that the witness is going to indicate certain postions on Prosecution's Exhibit P-22.

Q Now, will you please indicate to the court the approximate location of this beating that you saw?

A The approximate place is here (indicating).

DEFENSE COUNSEL: Let the record indicate that the witness has pointed to a group of buildings just left of the stadium.

Q Now, didn't you say that this beating occurred on the left side of the roll call square?

A Yes, out in my mind I am referring to on my left as you go in the camp.

Q Now, where were you standing at the time that this beating occurred?

A On that day I was coming back from Niedersachswerfen from a soup detail.

Q And where was your approximate location at the time that this beating was taking place?

A About 25 or 30 meters away from the place where that boy was beaten.

Q Please indicate on the map for the court the approximate location -- your approximate location.

A I have decided to have to point out to the court that at thattime the camp was not as it is indicated here. It was being built.

Q Well, please indicate to the best of your ability your

approximate position at that time.

A Here is the place where the beating with the stick took place.

DEFENSE COUNSEL: Let the record indicate the witness is indicating the same spot previously identified by the record.

PROSECUTION: Well, I pray the court's judgment on that. I think he is indicating a spot north of where the beating took place.

DEFENSE COUNSEL: Well, he indicated in the first instance in the vicinity there. He didn't indicate a specific spot. He said in the environs of, so I think the approximate location is more or less the same as before.

PRESIDENT: It appears to the court that the witness has pointed out a different location for this than the preceding spot. It would be a little bit north of the place previously identified for the record on the exhibit.

DEFENSE COUNSEL: May the record so indicate then.

PRESIDENT: It will.

Q Well, proceed and tell the court where you were at that time.

A At the time when I was going to the kitchen, which was here (indicating), I was accompanied by a Wehrmacht soldier, whose treatment towards us was always good, and if I could find that person again, he could prove the exact fact.

Q Please indicate to the court your approximate position at the time of the beating.

A (Indicating).

DEFENSE COUNSEL: Let the record indicate that the witness is now pointing to approximately the same spot where the beating took place.

PRESIDENT: No.

Q Now, is that the location where you were standing at the time of the beating?

A Yes.

Q And where is the place where the beating was actually taking place?

A (Indicating).

DEFENSE COUNSEL: Let the record indicate that the witness is now indicating a spot somewhat south of the place identified as his position. All right, thank you very much. Please sit down.

Q Now, you indicated a position on that map as the position where you were which was off the roadand I believe you stated you were on your way to the prisoners kitchen which is north of that road. How did it happen that you were south of the road at the time the beating took place?

A I had come in through the entrance gate. At that time, the road did not exist yet. I would like to point out that at the time, in order to prove my point about this thing, that it was very difficult to locate the place exactly within a few meters. If this incident had taken place during the time when the camp was completely constructed, it would be easier to tell about this incident with more details.

Q Now, when this beating was taking place, were you just walking by or did you stop and look at what was going on?

A I stopped to look, and the soldier who was with me stopped also and told me how scandalous the incident was. He was himself sickened at such a sight.

Q Now, did you know the name of this young Frenchman?

A No, but I can give the exact names of a few persons who were intimate friends of his.

Q When was the next time that you saw this young Frenchman that was beaten?

A I never saw the boy again personally, because I was not with the detail of the people that escaped. Some comrades with whom I had ---- I was in contact with ---- told me later that he had died.

Q How did they tell you or how did they describe him to you if they did not know his name?

A That is a side issue, because as my comrades knew him very well, I asked them during the evening why he had been beaten. I didn't ask him about it, I asked some comrades who were with him.

Q Had you ever seen this young Frenchman before this beating?

A I knew him when I was myself in the detail.

Q I believe you told the court yesterday that you knew the name and address of the witness who saw this incident. Would you please give the name and address of this witness to the court?

A Marcel Levet Lyon, and he lives in a suburb -- it is a suburb of Brom. I never saw that boy again since my return from captivity, thus I did not prepare that thing myself.

Q You are referring now to the witness to this incident, is that correct?

A I was myself witness to that incident, and I knew him very well because I brought him often some soup, because he was performing some very hard work.

Q Whom do you mean by him?

A My comrade Marcel Levet, who told me later that the comrade had died.

Q Now, you knew both Sergeant Koenig and Sergeant Mueller, did you not?

A Yes.

Q And you testified that both of them beat you on the occasion

when you escaped and were recaptured?

A Yes.

Q Did Mueller and Koenig look alike in any way?

A No.

Q You testified, did you not, that Koenig said to you, in substance, that "So you tried to escape? We will see how you will like a small piece of rope," or words to that effect?

A Koenig told me that in his small shack at the time when I presented myself to him in order to go back into the tunnel.

Q Now, is it a fact, is it not, that the punishment for escape from a secret camp like Dora was death, was it not?

A At the time when I escaped, it was not absolutely necessary to be hanged. It is who worked in the tunnel later and who later escaped, as they knew some secrets ab ut the parts which they manufactured, were usually hanged. The prisoners who escaped were not condemned to death, but it amounted to the same thing, because they were beaten till death followed. The beating with the stick amounted to an actual death sentence.

Q Now, it is a fact, however, is it not, that Koenig did not report you to the SD?

A Yes, two days later I was sent to the SD with a comrade of mine. We were accompanied by a Pole who was the camp interpreter.

Q Do you know the name of that interpreter?

A I don't know his name personally, but he was well known in the whole camp.

Q Was his name Isdeuss Patzer?

A I think that was his name. He was Tadseck or Tadsack, or something--

Q It is a fact, however, that it was not Koenig who reported it, isn't it?

A I cannot answer that. I was a prisoner and I was not in the office, and I was not in contact with them in order to know that.

Q Isn't it a fact that what Koenig actually said to you when you came back after escaping is or was, "Don't you know that for escaping they can give you the rope if I report you"?

A In my soul and conscience I cannot tell the Court if he said that, but there is one unquestionable fact, and that is that two days later I was sent to the SD.

Q And what was the result of your interview with the SD--were you imprisoned in any way?

A After my interview with the SD I was brought back to the camp by an SS and I was placed in the quarry. At that time there was no jail in the Dora camp.

Q What was the approximate date of this incident.

A What incident?

Q This interview with the SD.

A It must have been on the 7th or 8th of November.

Q That was 1944, is that correct?

A Yes.

Q When there was a representative of the SD at Camp Dora in November of 1943?

A No. I was taken to the other side of the tunnel, and there I was interrogated inside a barracks of the camp which is not shown here.

(DeFroy-Cross)

Q Now, I believe you stated that between Koenig and Mueller you received something like 50 blows, is that correct?

A Yes.

Q You testified that you were hit, I believe, first with a club, and later on with an electric cable?

A First with a piece of wood which resembled the handle of a shovel, then they beat me with an electric cable wrapped in rubber after the piece of wood had broken.

Q You stated that when you were brought back into the camp after having escaped all the prisoners were lined up to see your return, is that correct?

A That is correct. The roll call lasted three quarters of an hour longer on that day, and this was told to me by Colonel Josef Houssen. He was the chief of the Belgian military mission in Brussels. That person was present on that day when I was brought back to the camp.

Q You received that, when this beating was given to you--you were hit on the head and on all parts of the body, is that correct?

A I would like to ask the court to have some precision about what time when I was beaten--was it when I was going from the secretary's office to the tunnel or inside the secretary's office?

Q Well, now, you testified that you received approximately a total of 50 blows. My question to you is, in what parts of your body did you get this total of 50 blows--was it all over your body, on your head, in the back, or just in one place?

A Inside the secretary's office I was beaten on the behind and on the kidneys. The result was that after my return from captivity I had to be treated for 18 months and I came back from Switzerland this year during the month of January. I suffered from a fracture of the backbone, and it was treated in Belgium and in Switzerland.

(DeFroy-Cross)

Q And was this fracture of the backbone inflicted upon you at this beating which you have just told about in the orderly room?

A Yes.

Q Now, will you please indicate on that map again just the exact or the approximate location of this orderly room where you first were beaten?

A I want to point out that this incident took place in 1943 and the camp was not built then, and it is not mentioned there.

Q Well, can you please point out just the approximate location--geographical location in reference to the roads and the other buildings that are shown where this orderly room was at that time?

A (Indicating) It was here in this region.

DEFENSE COUNSEL: Let the record indicate that the witness is pointing to a point on Prosecution exhibit P-22 just east of a building entitled "SS Headquarters".

Q Now, after you received this beating in the orderly room, where were you beaten any further?

A All along the way. I am sorry that there is not a map of the old camp of Dora.

Q All along the way from where to where?

A From the exit of the secretary's office until the time when I arrived at Koenig's barrack.

Q And where was the approximate location of Koenig's barrack?

A The entrance to the tunnel in 1943 was the way it is shown here except that there was a road and that here on the left you came out of the tunnel.

DEFENSE COUNSEL: Let the record indicate that the witness is pointing to a position on the east of the side of the road leading to the tunnel.

Q Please proceed.

A Koenig's barrack was here, and right outside of it was the stairway which led up into the camp.

DEFENSE COUNSEL: Let the record indicate that the witness has indicated as the position of Koenig's barracks a spot on the east side of the road leading to the tunnel and approximately two inches south of the entrance to the tunnel as shown on Prosecution Exhibit P-22.

Q Please proceed.

PROSECUTION: I pray the court's judgment. I wonder how long we are going to continue with this reference to a map that doesn't show anything.

DEFENSE COUNSEL: May it please the court, it is Prosecution's exhibit--I am afraid if it doesn't--

PROSECUTION: That is all right. We have been spending three-quarters of an hour pointing out places on a map.

PRESIDENT: The objection is overruled.

QUESTIONS BY DEFENSE COUNSEL:

Q Please tell the court the approximate distance from this orderly room where you were first beaten to Koenig's barracks.

A The approximate distance varies between 60 and 75 meters.

Q And it is a fact, is it not, that you had to walk down a flight of stairs to get to Koenig's barracks, is that true?

A Yes.

Q Now, after you got to Koenig's barracks you testified that you were beaten again and at that time you were beaten over the head, isn't that true?

A Yes, and I received a kick from Koenig on the leg and in the sexual parts.

Q And after that you testified that you went where?

A After having left Koenig's barracks I was placed between the hands of a camp guard and I was led to the tunnel where we lived.

Q How many guards went with you to your sleeping quarters, one or two?

PROSECUTION: I pray the court's judgment.

DEFENSE COUNSEL: That has a reference to what I am going to ask next, if the court please.

PRESIDENT: The objection is overruled.

THE WITNESS: I was placed between the hands of one camp guard who accompanied me to the tunnel. I had manacles on and he also accompanied my comrade. And for more security they made us sleep in the part of the tunnel which was reserved for the camp guards. And we slept while we were still wearing manacles.

QUESTIONS BY DEFENSE COUNSEL:

Q You and your comrade walked to your sleeping quarters with the guard, did you not?

A Yes.

Q And how far was it from Koenig's barracks to your sleeping quarters?

A It is very difficult to tell the exact distance because at that time the tunnel was still under construction. It is a fact that one part of the tunnel was already built and cemented already for quite a while--for a long time, and the approximate distance from the place where the tunnel was already built was--until the dormitory of the camp guards was about 75 to 100 meters.

Q So, if I understand your story correctly which you want the court to believe, it is that you were beaten in this orderly room until they broke a club over you, then you were beaten with an electric cable until your spine was injured, then you walked a flight of steps 65 meters in that condition to Koenig's barracks, there you were hit over the head, kicked in the genitals, and then you walked 105 meters or this distance which you have just given to the prisoner guard room, is that correct?

(DeFroy-Cross)

A I would like to point out to the court that there was a difference between having your backbone broken and thus it is impossible to move and having a fractured backbone. The best proof I can give of that is that after I went back to Belgium I had two ribs displaced.

Q During all this lengthy beating and during all this time that you were being hit by Koenig presumably, you were not unconscious and you were able to walk until you got to this sleeping room of the guards, is that right?

A Naturally one nature is not the same as another nature. I know some comrades who had a different nature from what I had, and they fainted after having been beaten with 25 blows.

Q Well, now, will you please answer my question. Will you please read the question to the witness?

A So, it is a fact that I had to go there from Koenig's place to the tunnel, but I don't call it walking when one is really like a rag, and if we had not wanted to walk they would have taught us to walk at that time by kicking us.

Q Now, do you recall your testimony as to the beating of two Frenchmen by Koenig--two Frenchmen who were sleeping by Koenig?

A Yes.

Q How did you know that one of those Frenchmen died 11 days later?

A Because I knew that boy personally.

Q Did you see him after--did you see his body after he was dead?

A I saw him the day before he died while he was trying to take off his shirt which was sticking to his wounded skin. At that time we asked through comrades that the Dutch doctor be called so that he would be treated.

Q You testified yesterday, did you not, that this beating which he received was on the behind?

A Yes.

(DeFroy-Cross)

Q How you say that he coulcn't take his shirt off because it stuck to his wounds?

A I would like to point out that that boy, wanting to treat himself, took his shirt off, and it is at that time that he pulled his shirt off with some wounded skin attached to it which stuck to his shirt.

Q Now, it is a fact, is it not, that at roll call on each day all prisoners who were sick would re ort for sick call.

A It was practically impossible to obtain treatment at that time in the Dora camp, and I never witnessed a roll call, public or otherwise, where one could obtain treatment if one declared being sick.

PRESIDENT: The court will recess for 20 minutes.

(Whereupon the court recessed at 1000 hours.)

* * * *

(The court reconvened at 1025 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present, all of the accused are present, the prosecution and the defense are represented by counsel, the reporter and the interpreter are present. At the end of the last session the witness DeFroy was under cross examination. There is a new interpreter to be sworn.

PRESIDENT: Mr. R. N. Nathanson has been appointed as an interpreter by the court; he will be sworn.

(Whereupon Rudolph N. Nathanson, A United States civilian, was sworn as court interpreter.)

ALBERT DE FROY, called as a witness by the prosecution, having been previously sworn, resumed the stand and testified further through an interpreter as follows:

CROSS EXAMINATION (Continued)

QUESTIONS BY DEFENSE COUNSEL

Q I believe there was a slight error in translation at the last session when you were telling about these guards that took you into the tunnel where you spent the night after you had been beaten. Was he a prisoner guard or an SS guard?

A The guard was a lager-schutz. An inmate, just like us.

Q And did he then take you to the room of the prisoner guards?

A He took us to the room which was occupied by all the lager-schutz of the camp; and I want to point out that the person who took us along was a German with a red triangle.

Q It is a fact, is it not, that these lager-schutz who were prisoners were not permitted to have handcuffs?

A The manacles were placed on us by an SS. I can't remember exactly who it was, and we kept them until the next morning when they were taken off of us in the tunnel.

Q Will you please step up here and on this plan of the tunnels

Prosecution Exhibit No. 23, point out to the court where the room of the lager-schutz was, where you spent the night? I would like to point out to you that this is the entrance into the tunnels, presumably from Koenig's barracks.

A I know one thing, that we came in through this tunnel here; that is correct. At that time there was here a small opening; I can't guarantee that it was this one or another one.

Q Let the record indicate that the witness has pointed out a location for the small opening approximately one-third of the way along "B" tunnel.

PROSECUTION: I object to the dimensions. The position can be described by reference to words which appear on the map.

DEFENSE COUNSEL: All right. We can identify it, then, as a spot approximately below the title "Way prisoners marched to block." Is that satisfactory?

A Yes.

Q Can you point out approximately where this room was where you spent the night?

A There was a room here and it was approximately here, and it could have been either here or there. It was very difficult for me at that time, I was approximately 13 weeks at the tunnel and the tunnel was still under construction. And at that time there were quite a few of those openings in order to build the tunnels.

Q Now did you used to work as a surveyor and you surveyed these tunnels at a later time, did you not?

A No.

Q I would like to point out to you that on this Exhibit the approximate distance is shown on this exhibit from the edge of the mountain to this first tunnel as 300 meters. Based upon that distance, then, will you estimate the approximate distance to the point you indicated that the room was where you spent the night?

Prosecution Exhibit No. 23, point out to the court where the room of the lager-schuts was, where you spent the night? I would like to point out to you that this is the entrance into the tunnels, presumably from Koenig's barracks.

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PROSECUTION: I object. He cannot be asked how far a place was from another place, based on the defense counsel estimating distance.

DEFENSE COUNSEL: If the court please, I am not estimating the distance, it is written right here on the map, "300 meters".

PROSECUTION: I don't care what is written. I pray the court's judgment.

PRESIDENT: Objection over ruled.

A It is very difficult for me to answer that question, and in order not to make a mistake I don't want to certify to anything.

Q Will you please point out once again, then, the place along "B" tunnel approximately where this room was?

PROSECUTION: I pray the court's judgment. It has just been asked.

DEFENSE COUNSEL: If the court please, I want to make a more accurate description for the record, since the witness refuses to approximate.

PROSECUTION: The record shows, and it has been dictated in the record by the defense, that the approximate place of the watchmen's room was directly south of the words, whatever those words were.

DEFENSE COUNSEL: Those words extend along a distance which would be approximately 100 meters on the scale of this map. I should like to clarify for the record, if the court please.

PRESIDENT: Objection overruled.

A I say that I cannot exactly answer that question, because when I was taken back to the camp I did not busy myself to measure the exact distance. It is a fact that other witnesses, other German witnesses who might have been in contact with some lager-shuts can give you the exact distance. I myself cannot give it.

DEFENSE COUNSEL: Thank you. Please be seated.

(Witness resumes the witness chair.)

PRESIDENT: In order that the record may be complete, will the interpreter give a translation of the term "lager-schutz", which may be included in the record?

INTERPRETER NATHANSON: Camp protection police. Camp security guard.

Q With respect to the beating of this one Frenchman who presumably died of gangrene eleven days after the beating by Koenig, was the Dutch doctor who treated him Dr. Greenfeldt?

A You ask a question which is very hard to answer, as far as the name of a person is concerned. The person is Dutch, tall, with a rather thin face. Wore glasses.

Q How long was it before this Dutch doctor began to treat this patient?

A One week, but he couldn't do anything for that boy because as gangrene had set in he diedd two or three days later.

Q And during that week before he began to receive treatment did this Frenchman report for work every day, as usual?

A He did not receive any treatment. The Dutch doctor saw him and said he couldn't do anything for him, and the boy continued to work every day.

Q Do you mean that the Dutch doctor, after he saw that he was gangrenous, did not admit him to the dispensary or into the hospital?

A At that time there was only a small barracks where superficial care was given out and at that time it was impossible to take care of that thing.

Q Do you mean that this Dutch doctor didn't even try to get him excused from work after he saw that he was gangrenous?

PROSECUTION: I pray the court's judgment.

PRESIDENT: The objection is sustained; the witness will not answer the question.

DEFENSE COUNSEL: If the court please, I assume that the objection which the worthy counsel for the prosecution has made is based upon the idea th t I am trying to attack the Dutch doctor. It is not my intention in the least; what I am trying to do is show the basis for the incredible story this witness has told; it is highly incredible that a doctor would see a man with gangrene and still not try to get him excused from work.

PROSECUTION: My objection stands.

DEFENSE COUNSEL: May I proceed?

PRESIDENT: Do so.

DEFENSE COUNSEL: Before I go on, if the court please, I think this would probably be as good a time as any to request the court that they instruct the prosecution, in making objections, to try to make the objections concrete as to reasons. It is not possible for the defense to intelligently give their side of the case in an objection when the objection is just phrased in general terms.

PROSECUTION: I did not give any reasons that time. I am objecting to all the time that is being spent on what I consider incompetent and irrelevant things that have nothing to do with the witness' credibility.

DEFENSE COUNSEL: If the court please, it has been the prosecution's practice to fail to give reasons for a given objection of any kind, and the defense cannot object unless he knows what the objection is based on.

PRESIDENT: In making the objection, the prosecution will state the ground for the objection in each particular?

PROSECUTION: In every instance?

PRESIDENT: In every instance that comes up.

QUESTIONS BY DEFENSE COUNSEL (continued)

Q Now you have testified that you witnessed certain hangings

which occurred; one of them occurred on Easter Day of 1944, is that correct?

A Yes.

Q That was the hanging, was it not, in which the political prisoners Szymcak and Tomas refused to participate?

A No, that was before. Another hanging took place before that, and it was at that time that they refused.

Q Were you present at that hanging? That is the one in which Szymcak refused to perform?

A Yes.

Q Isn't it a fact that that hanging which Szymcak refused to perform, the hanging was actually performed by Sgt. Fuster and Peter Schroer.

A No.

Q Who performed that hanging?

A The person who volunteered to hang them was Zwiener.

Q And you witnessed that yourself, is that correct?

A Yes, I saw it.

Q You heard him volunteer, did you?

A I saw that the two German political prisoners refused to perform the hanging and I saw that Zwiener did it.

Q And you are absolutely certain of that; is that right?

A Yes.

Q What did Zwiener say or do when he volunteered for this hanging?

A That is a question which is difficult to answer, but one thing is sure and that is that he hanged them.

Q How long before Easter did this hanging purportedly take place?

A If my recollections are good, I think it was at the end of February.

Q Was that the first time you ever saw Zwiener?

A Hanging, yes.

Q Isn't it a fact that Zweiner didn't arrive at Dora until March of 1944?

A I want to give the following position, that if my memory was good I think it was at the end of February, but I cannot say exactly within a few days. But in any case, one thing is sure, and that is that it is he who hanged them.

Q Several witnesses have testified before the court that on the occasion which Szymcak and Tomas refused to perform the hanging, the hanging was actually performed by Kuhl, a capo, by Sgt. Puster and by Peter Schroer, and that on that occasion Zwiener did not volunteer. Can you reconcile their testimony with what you now say?

A I bring before the court my testimony without any intention of accusing somebody of doing something when they did not do it.

Q You just said that Zwiener volunteered for this hanging, did you not?

A Yes, because the two camp eldests, the two Germans, refused to perform them and he did it.

Q But you also just testified that you did not hear him volunteer, is that so?

PROSECUTION: That subject was entirely covered not more than two or three minutes ago when the witness definitely said that he did not hear him volunteer.

DEFENSE COUNSEL: I will withdraw that question. In view of your testimony that you did not hear Zweiner volunteer, how can you tell the court that he did volunteer?

A Well, from the fact that the two prisoners refused to do it, and he is the only one who did it.

Q And from that fact alone you conclude that he volunteered, is that right?

(DeFroy - cross)

rumors which circulated in the camp at that time.

Q The truth of the matter is, is it not, that you are basing you attack against Swiener on the fact that he volunteered for this hanging, upon these rumors; is that so?

A No, because I saw with my own eyes that those two people were hanged, because nobody else did it.

Q Now, wereNyou actually present when Zwiener allegedly beat those convalescent prisoners?

A I was just at the block at that time.

Q Were you, yourself a convalescent or were you just passing through?

A No, I had to go to see somebody in that block. I myself jumped out of the window.

Q Now he beat with his fists, isn't that so?

A He always had a sort of a rubber hose and he beat the people with it. When he was camp chief as an inmate he always was armed with one of those rubber hoses.

Q When did Zwiener become camp eldest to the best of your knowledge?

A After the hangings.

Q Approximately how long after the hanging did he become camp eldest?

A If my memory is good I think it was the next day.

Q You are speaking now of the hanging which allegedly took place about the end of February, is that correct?

A Yes.

Q You testified that you were also present at the mass hangings of 60 Russians which occurred, according to your figures, about February of 1945. Do you recall that?

A Yes.

Q Now this mercy shot which you say you saw the accused Moeser give was that shot fired on a prisoner who was already dead from the hanging?

A No, that boy was not dead.

Q How do you know that?

A Because we saw him move.

(DeFroy-cross)

Q How long had he been hanging before he was taken down?

A A very short time. Of course it is very difficult to tell. It is possibly two minutes but we didn't have any watches. The boy had certainly been choked but he was not dead and he was not the only one in all those hangings.

Q Now will you tell the court, please, approximately, to the best of your knowledge or recollection the total number of hangings that you saw at Dora? By that I mean not the total number of prisoners hanged but the total number of separate hangings that you saw. Please enumerate them and give the approximate dates of each.

A As I have told you already some hangings took place in the quarry before the time when they took place on the roll call square.

Q Did you witness or did you see that hanging yourself?

A Personally I did not see any hangings there.

Q Please tell the court only about the hangings that you personally saw?

A I told you the hanging which took place in February, of Easter, '44 and then there were still several between Easter '44 and the time when the mass executions took place.

Q When did these mass executions take place, approximately?

A February '45.

Q What other hanging did you see?

A Some hangings took place in the tunnel.

Q Did you see those yourself?

A Myself I did not see it but I had a comrade who was working with me in the detail. He saw the 80 executions in the tunnel and the thing was told to me by him and by our engineers who worked with us in the vermissung.

PROSECUTION: Will the court ask the witness, on behalf of the prosecution, to please answer the question or we will never get out of this

case. Even if he is my own witness I would like the court to ask him to confine his answers to the question.

PRESIDENT: The witness is instructed to confine his answers to the questions put to him by counsel. You will answer them as briefly as possible giving the necessary information called for by the question.

QUESTIONS BY DEFENSE COUNSEL:

Q Now my questions Mr. DeFroy refer only to those hangings which you yourself personally saw.

A I saw seven or eight.

Q This hanging which you saw in February of 1944 was an interpreter on duty to read the sentences to the people who were present?

A I don't remember that.

Q Was there a Doctor present to examine the people who were hanged before they were cut down?

A I do not remember about that because my attention was not drawn by that.

Q Well didn't you see these people taken down from the gallows?

A I saw them, yes.

Q Didn't you see whether a doctor examined them or whether he did not examine them?

A No.

Q Coming to the hanging in Easter of 1944. Do you recall whether an interpreter was present at that time to translate the sentences?

A No.

Q Do you recall if there was a doctor present at that hanging?

A Not either.

Q Do you recall whether the camp commander was there?

A Yes, Moeser was there.

Q I am speaking of the camp commander Feerschner?

A That I do not remember.

Q Do you remember any other persons being there with the exception of Moeser? I am speaking now of SS men.

A Other SS men, yes, but I didn't pay any attention to it.

Q How did it happen you paid attention to Moeser?

A Because I knew him.

Q Did you not know any of the officials that were present there?

A Moeser beat me but I didn't pay any attention to the others.

Q Now this hanging occurred in April of 1944 did it not? That was Easter Sunday?

A Easter Sunday, yes.

Q Of that date you are quite certain are you not?

A The date, no. The day of Easter, yes.

Q You are quite certain that you saw Moeser there on that occasion, is that right?

A I think so, yes.

Q Well do you know or don't you know?

PROSECUTION: I pray the court's judgement. If the ground is necessary I am objecting on the constant unending repetition on the same subject.

PRESIDENT: The objection is overruled.

THE WITNESS: I know. I repeat to the court that I saw Moeser on Easter Day. So many executions took place at the camp that we could have a certain doubt but we had the impression that Moeser was here.

Q Do you have that same certain doubt about the fact that Zwiener performed in hanging in February of '44?

A No.

Q I am speaking of the camp commander Foerschner?

A That I do not remember.

Q Do you remember any other persons being there with the exception of Moeser? I am speaking now of SS men.

A Other SS men, yes, but I didn't pay any attention to it.

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Q Do you have that same certain doubt about the fact that Zwiener performed in hanging in February of '44?

A No.

(DeFroy-cross)

Q Isn't it a fact that Moeser didn't arrive in Dora until May of '44?

A The questions of month was rather secondary to me. I was a prisoner and I had no way of obtaining information as to the exact dates.

Q On this occasion in Easter of '44 did you see Moeser give any mercy shots?

A No.

Q Now you say that the reason you remember his being there was because he had beaten you. By that do you mean that he had beaten you before Easter of 1944, is that right?

A Moeser never beat me. I never said that.

Q Did you tell the court that the reason you remember his being there on Easter of '44, although you didn't remember any of the officials, was that Moeser had beaten you?

A No, never.

DEFENSE COUNSEL: No further questions.

REDIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION:

Q There seems to be some question about the exact nature of the injury you received to your back. Do you have with you a medical certificate stating the exact nature of that injury?

A Yes.

Q Without referring to it can you tell the court exactly the nature of that injury?

A Yes.

Q Please tell the court?

A When I came back to Belgium two of my ribs were displaced.

(Defroy-redirect)

Q Let me interrupt you. I want to know only about the nature of your injury to your back. I don't care about your ribs.

A It was because of the blows. My ribs were put back in place and there did not calcify themselves. That is the reason why I went to Switzerland.

PROSECUTION: I ask that this all be stricken from the record and that the witness be cautioned again to answer my question. It is time that some of these witnesses be taught that the court means what it says when it says the question should be answered.

DEFENSE COUNSEL: I have some doubts as to the translation. I believe this witness is saying vertebrae and it is being translated ribs.

PROSECUTION: Maybe I owe the witness an apology. I don't know.

INTERPRETER: Two vertebrae, that is right.

PROSECUTION: And I give it to the witness.

QUESTIONS BY THE PROSECUTION:

Q Will you please tell the court the exact nature of the injury to the vertebrae of your back?

A I am not a doctor, I cannot answer that exactly.

PROSECUTION: Let me have that medical report you have.

(Thereupon the witness did as directed.)

PROSECUTION: I withdraw the question.

Q You said that at one time you worked in the quarry?

A Yes.

Q Previously you mentioned the name of this French comrade of yours wholives outside of Lyons. What was his name?

A Marcel Luvey.

Q Where did he work?

A In the tunnel also.

Q Anyplace else?

A After his escape he remained until the end at the quarry.

Q Will you tell the court of anything special which took place in

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the tunnel that either you saw personally or that you heard from this French comrade of yours?

A That comrade told me that one day seven Italian prisoners were shot in the quarry because they refused to work.

Q Did your comrade tell you how he knew about that incident?

A I think that that boy was present and that he was in the quarry when these executions took place.

PRESIDENT: Off the record.

(Off the record discussion.)

PROSECUTION: If I have been talking about the tunnel I meant to talk about the quarry not about the tunnel.

THE WITNESS: I spoke about the quarry because the boy was only three weeks with me in the tunnel and then after that he went to the quarry.

DEFENSE COUNSEL: I would like to make a motion to strike the last part of the witnesses answer in which he said, "I think that he was present." meaning the witness from whom he heard this testimony.

PROSECUTION: I pray the court's judgement.

DEFENSE COUNSEL: He doesn't know whether the man was present or not. He is just surmising.

PROSECUTION: Thinking and surmising are vitally different.

DEFENSE COUNSEL: I refer to just that part of the answer to which this witness assumes he was an eye witness.

PRESIDENT: Will the reporter read back that answer?

(Whereupon the reporter read the answer beginning, "I think that that boy---")

PRESIDENT: The motion of the defense is granted and the answer of the witness referred to will be stricken--that part in which he says, "I think--".

QUESTIONS BY THE PROSECUTION:

Q Can you give the date to the court, the approximate time when

(Defroy-redirect)

this episode took place?

A No, I don't remember that anymore.

Q Tell the court exactly and in detail just what your friend told you about this incident in the quarry concerning the shooting of the seven Italian prisoners of war who refused to go to work?

A When I came back from work I met my comrade Marcel Lavey---

Q Let me interrupt you a minute. Where were you working on that occasion?

A On that day I was detached from the quarry as a reinforcement for carrying barracks.

Q Where were you carrying barracks from? From where to where-- or parts of barracks?

A We were carrying the barracks from the old Dora Camp, that is the small Dora Camp of 1943 and we were carrying them for the construction of the new camp.

Q All right. You had come home that night from work and you talked to your friend Marcel. What did Marcel say or tell you?

A Marcel asked me if I knew that seven Italian prisoners had been shot. I told them no and it is at that time that he told me that seven Italian prisoners had been shot because they refused work as they considered themselves PWs.

Q What else did he tell you?

A Nothing special otherwise. He just told me that they had been shot. That is all.

Q Did he mention where they had been shot?

A He told me that they had been shot at the quarry.

Q Did he tell you by whom?

A Unfortunately no. Not at that time.

Q Well did he ever tell you at any time who did the shooting?

A He never spoke about it again following that.

PROSECUTION: Your witness.

DEFENSE COUNSEL: No further question.

PRESIDENT: Colonel Benson.

EXAMINATION BY THE COURT

QUESTIONS BY COLONEL BENSON:

Q You stated that you had been sent to a disciplinary outcamp. Where was the location of the disciplinary outcamp?

A This disciplinary outcamp was located on the top of the mountain, thus, above the tunnel, and if you are interested in the name of that outcamp, it was called Gebatten-Koenig.

DR. AHEIMER: I think a mistake happened in the translation from the English into the French. The witness did not mention an outcamp, but a detail.

COLONEL BENSON: It was referred to as an outcamp.

DEFENSE COUNSEL: Yes, I believe in the translation yesterday it was translated "outcamp," but he spoke of a Kommando, which should have been an out-detail.

Q This detail -- this disciplinary detail was part of the detail from Camp Dora?

A Yes.

Q You stated in your direct examination that Wiener mistreated other prisoners. Will you state to the court how -- what methods they used -- in this mistreatment of other prisoners?

A He simply beat him with a whip or with his fists, if he did not have a whip.

Q Did you witness any of these beatings?

A When the details went out to work in the morning.

PRESIDENT: There are no further questions by the court.

PROSECUTION: The prosecution requests that this witness be permanently excused.

DEFENSE COUNSEL: No objections.

PRESIDENT: The witness may be permanently excused.

(Whereupon the witness was excused and withdrew.)

PROSECUTION: We expect to produce a new witness, may it please the court, if the accused desire to rearrange themselves.

The name is Erich Lippold.

ERICH LIPPOLD, called as a witness by the prosecution, took the stand and being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q What is your full name?

A Lippold, Erich.

Q Where do you live?

A Friedolfing, county of Laufen.

Q What is your nationality?

A German.

Q Your age?

A 42.

Q Your civilian occupation?

A I am warehouse administrator.

Q At one time were you a prisoner in Camp Dora?

A From the end of '43 until 1945.

Q To what time in 1945?

A Until April '45 -- until the transport to Ebensee.

Q Now, while you were at Dora, what work did you perform?

A I was detail--kommando--clerk in the tunnel.

Q Did you do any other work?

A No.

Q Well, of what kommando in the tunnel were you the clerk?

A Askania.

Q Now, during the time you were at Dora you got to know some of the SS people and some of the prisoners there, did you not?

A Yes.

Q Will you look around the courtroom and see if there are any such people here and, if there are, willyou go up to them and point them out and give their names and, if you remember, give their positions?

PROSECUTION: (Addressing interpreter) Ask him to get up.

PRESIDENT: Ask him to go directly up to the accused.

A (Indicating) That is Buehring.

PROSECUTION: Let the record show the witness has identified the accused Buehring wearing placard Number 4.

A (Indicating) Haischein, up there.

PROSECUTION: Let the record show the witness has identified the accused Haischein wearing placard Number 12.

A (Indicating) Walenta, Wiener.

Q Wait a minute. Which is which?

A (Indicating) That is Walenta, Zwiener, Kilian.

Q Wait a minute. Which one did you say was Zwiener?

A (Indicating) This one was Zwiener.

PROSECUTION: Let the record show the witness has identified the accused Zwiener wearing placard Number 19.

Q Which one is Kilian?

A Number 10.

PROSECUTION: Let the record show the witness has identified the accused Kilian wearing placard Number 10.

Q Whom else do you know? Look up and down.

A (Indicating) Moeser.

PROSECUTION: Let the record indicate the witness has identified the accused Moeser wearing placard Number 13.

Q Anyone else? Look around, look them over one at a time.

A (Indicating) Moeser.

Q Moeser, you have identified. Go closer if you have to and if

you wear glasses put them on.

A (Indicating) Detmers.

PRESIDENT: Go closer.

A (Indicating) Detmers, the third one up there.

PROSECUTION: Let the record indicate the witness has identified the accused Detmers wearing placard Number 5.

A The other accused I don't know.

Q Now, you have identified the accused Maischein. When did you first get to know Maischein?

A Maischein I know really for a longer period of time already.

Q When did you first become acquainted with Maischein?

A I met Maischein already in 1944.

Q When in 1944?

A In Summer, Fall.

Q And where did you meet Maischein?

A Maischein was in the camp and in the tunnels.

Q What was his work, do you know?

A For a long period of time he was a guard. His special assignments otherwise, I did not know.

Q What can you tell the court about Maischein?

A I saw Maischein for the last time between the 5th and 6th of January 1945. I came from the day shift from the tunnels at 10:30, 10:45 at night because we had a low flying air attack. After the detail moved back, returned to its place, I went to the Labor Statistics. I had to clear up some matters there in regard to the detail. And there I stayed approximately until 11:15. Then we were standing in front of the door and while we were standing there, with another fellow from Labor Statistics, three SS men came from the guard house and went to the bunker.

Q Who were these three SS men?

A We heard next day that one of them was Maischein.

Q Who were the other two?

A The other two we didn't know because it was a dark night. Then we as'ed each other "What are they doing in the bunker at night?" and waited until they returned. It took approximately 20 minutes until the three men returned with a package, a bar, or a blanket, and then to the crematory.

Q Describe this package or blanket or sack the best you can.

A According to the size of the package, one had to assume that a dead body was in there. And then the next morning when we went to the crematory -- one of us had a good friend working in the crematory, and we asked him who had been there last night; and then this fellow told us that during the night Aaisohein had brought Kunze, the camp technician.

Q What happened?

A And that was the same Kunze who either was hanged in the bunker or clubbed to death, we don't know exactly what.

Q What happened to his body in the crematory?

A It seems that it was cremated.

Q Did you know Kunze?

A Yes, Kunze was the camp technician.

Q Now, you also identified Buehring. Where did you see Buehring?

A Buehring always came to the tunnels and arrested people on behalf of Sanders.

Q Now, you also went on a transport. Who was in charge of the transport?

A Simon and Puster were in charge of the transport to Ebensee.

Q Who was Simon?

A Simon was in camp from Labor Statistics.

Q To where did this transport go?

A To Ebensee on the Upper Danube.

Q Did anything special happen on this transport that you can tell the court?

A When we left Dora on the road two additional cars were hooked to the train with women -- with French Jewish women. On our trip we had an attack through low flying airplanes, and mostly the last two cars, in which the women were in were hit during this attack. These two cars were locked and it was forbidden -- I think Sitzon had given the order that it was forbidden -- to open these cars; but Fritz Engartz took it on his own to open the doors of these two cars wide open; and then when the women jumped out of the cars and ran into the woods, the fliers stopped their attack.

PROSECUTION: Your witness.

A (continued) We loaded the dead bodies on the train again. There were approximately eight women and also several men. The engine was also shot to pieces.

PROSECUTION: Well, that is all I wanted to ask him. Unless the defense wants to ask him anything more --

DR. AUSIMER: Cross examination on behalf of the accused Maischein first.

CROSS EXAMINATION

QUESTIONS BY DR. AUSIMER:

Q Did I understand you correctly that you said Maischein had been a guard for a long period of time?

A As far as I know, he was a guard.

Q Where?

A But it is possible that he had also another job, because I was only in the tunnel.

Q With other words, you don't know exactly whether Maischein really was a guard or not?

A I know only that he was a member of the Guard Company, of the

10th Company.

Q Isn't it a fact that Maischein was a medic?

A I don't know that because I never came to the prisoners' hospital.

Q During which occasion did you see Maischein for the first time?

A When the work details marched out and returned to camp, he was standing near the gate on several occasions.

Q If I understand you right, that was in the morning or in the evening?

A Yes.

Q And from the fact that you saw Maischein on the gate, you draw your conclusion that he was a guard?

A One assumes that one standing on the gate mostly were guards or at least were on duty.

Q Isn't it a fact that the medics of the German Wehrmacht were wearing special insignia?

A I can't say that.

Q Did you never see a red cross insignia on Maischein's arm?

A The uniform as such never interested us.

Q So you do not want to deny that he was wearing the special insignia of a medic?

A I can't claim that.

Q On which day did it happen that you see Maischein going from the guard house to the bunker with two other men?

A The 5th or 6th January 1945.

Q It certainly did not happen before the 5th of January 1945?

A I don't think so, because it was shortly before High New Year.

Q Do you understand through High New Year the day on the 6th of

January?

A Yes.

Q You mean the holiday of the Saint Three Kings?

A Yes.

Q If I understood you correctly, it was very dark during that night?

A Yes.

Q Please walk over to the map, Prosecution's Exhibit Number 22, and point to the place that you were standing at that night.

Please walk away a little bit. Perhaps you will be better in a position to see the place.

A We were standing right in front of Labor Statistics. This here is the roll call place (indicating). Here. (Indicating)

DR. ADELMER: The record shall indicate that the witness pointed to a building on Prosecution's Exhibit Number 22 which is shown right to the left of the stadium.

I think we might continue with this in the afternoon.

PRESIDENT: The court will recess until 1330.

(Whereupon the court recessed at 1200 hours.)

AFTERNOON SESSION

(Whereupon the court reconvened at 1330 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all the members of the court are present; the prosecution and defense are represented by counsel; all of the accused are present; the interpreter and reporter are present. At the end of the last session the witness, Lippold, was under cross examination.

DEFENSE COUNSEL: May it please the court, I should like to make an announcement for the record. It has been brought to my attention that the witness before this one, DeFroy, made a statement to the effect that Koeser had beaten him or had struck him. It has been called to my attention that in translation his statement was mistranslated so that the court would get the impression that Koeser had beaten him, when what he meant was that he had been "struck by his appearance", and the French term can be mistranslated to mean that he had been beaten.

PROSECUTION: We subscribe to it.

DEFENSE COUNSEL: Since the witness at a later time denied having been beaten by Koeser, it seemed that his testimony was contradictory, and we would like at this time to make a motion that this be corrected in the record.

PROSECUTION: I was told by the witness that there had been that mistake in translating his testimony just as the interpreter mistranslated "vertebrae" for "ribs", and I am perfectly willing on behalf of the prosecution that the statement made by the defense be made instead of the statement by the witness with respect to that particular part.

PRESIDENT: The statements of the defense and of the prosecution will be noted in the record. The witness is reminded he is still under oath.

ERICH LIPPOLD, called as a witness by the prosecution, resumed the stand, and being reminded that he was still under oath, testified further through an interpreter as follows:

DR. AHLEMER: I continue cross examination on behalf of the accused, Maischein.

CROSS EXAMINATION

QUESTIONS BY DR. AHLEMER:

Q At what time did you, Mr. Lippold, come off duty on the 5th or 6th of January 1945?

A It was approximately 10:30.

Q Did you work at that time three or four shifts a day?

A Two shifts.

Q Please show once more at Prosecution Exhibit Number 22 the place where you were standing in front of the labor statistics office.

A I have the impression that this map is not correct.

Q In what connection?

A After you entered the roll call ground the labor statistics building is on top of the roll call ground. Before the camp had been established it was outside the camp. After the blocks have been built and after the camp had been constructed the labor statistics office was transferred.

Q Into which barracks within the confinement, the protective custody camp has the labor statistics office been transferred?

A The office should be here (indicating), taking everything into consideration.

DR. AHLEMER: The record will show that the witness is pointing to a point north of the inscription, "roll call ground".

Q And had you been standing at this point which you have just been pointing out to the court at the time you saw three SS men passing by?

A We were standing in front of the block at the staircase, and then we were going from this block, crossing the road to the canteen, and they waited until they were interned. (Indicating)

Q Where were you standing when you saw those three men for the first time?

A In front of the labor statistics office block.

Q Do I understand you correctly you had been standing north of the roll call ground?

A Yes.

Q And where was the bunker at that time?

A The bunker was down here (indicating).

INTERPRETER: Pointing to the inscription, "bunker", at Prosecution Exhibit 22.

QUESTIONS BY DR. AHLMER:

Q Please give me the distance from the bunker to the point at which you had been standing.

A From the labor statistics to the bunker, approximately 120 meters.

Q Was it night at that time?

A Yes.

Q How far could you see at that time?

A The area around the entrance was lighted up. This is why we had a clear sight.

Q Do I understand you correctly, you could consequently see only what was happening in the area around the gate?

A Yes.

Q How far did you see the three men walking who at that time entered through the gate?

A It was easy to observe because they walked this way (indicating), and that fence was lit up at night.

DR. AHLMER: The record will show that the witness is pointing to the electric wire fence around the protective custody camp and leading down the road going south.

Q Could you follow those three men until they reached the bunker?

A Yes. The light coming from the fence made that possible.

Q Do I understand you correctly then you want to say that you actually saw the three men entering the bunker?

A For that purpose we went in back of the canteen in order to see exactly where they were coming from and where they went to.

Q And if I understand you correctly, you have been standing at the building which at Prosecution Exhibit Number 22 is marked the "prisoners' canteen" until the three men left the bunker again?

A Yes. We waited there out of curiosity.

Q Which way did the three men take when they left the bunker in reference to the bunker?

A They left the bunker and then they turned left and turned towards the road and they walked down the road leading to the crematory.

DR. AHOLMER: The record will show that the witness is pointing into a direction west of the bunker leading towards the main street in camp and from there up the road leading from the main street in camp towards the entrance to the hospital administration building.

PROSECUTION: I question if that is what the witness said. I would like what the witness has answered as to the route taken by these three people be read, may it please the court. Do you mind reading?

PRESIDENT: Please do.

(Whereupon the reporter read the last answer, "They left the bunker and then they turned left and turned towards the road and they walked down the road leading to the crematory".)

PROSECUTION: Dr. Aholmer for the record used the word "hospital".

INTERPRETER: That is right, that is the way I translated it.

PROSECUTION: I am not questioning the translation. The witness didn't say it the way he said it, not "followed the way to the hospital", but "followed the way to the crematory.

DR. AHEIMER: This is it. I make a motion to change the record by stating that the three men referred to above did not walk towards the entrance of the hospital administration building but walked towards the place where the inscription "Entrance" on the map is shown next to an arrow, and this is the entrance to the prisoners' hospital area within which the crematory also is located.

PRESIDENT: The motion will be granted.

QUESTIONS BY DR. AHEIMER:

Q How far had you been able to observe those people?

A Until they reached the crematorium.

Q Did you follow this man, or was the whole road which those people took lit up?

A We followed those men.

Q Isn't it possible, Mr. Lippold that at that time on account of danger of air raid the light at the electric fence was partially blacked out and that on account of that there was only an area of approximately two meters which had visibility?

A That is correct, but nevertheless in spite of that there was enough visibility that we could see them walk near the fence on the road.

Q Please describe the parcel, as you have called it, which the three men had been carrying while they were walking while they left the bunker.

A It looked as if it was a blanket, and if the blanket had been wrapped around the body or another elongated article.

Q Did you know the prisoner, Kunze whom you had mentioned?

A Yes.

Q Isn't it a fact that this man weighed more than 200 pounds?

A This is correct, but I believe that since he had been in the bunker for such a long time he must have lost a lot of weight.

Q Do you want to tell the court that those three men had been carrying that heavy package--that heavy bundle from the bunker to the crematory while they were walking?

A Well, it was not such a heavy bundle after all, and they carried it.

Q Describe the manner in which those three men carried it.

A One was at the beginning and two at the end.

Q And how far did you observe those three men after they had left the bunker?

A We only followed them as far as the crematory, and we returned to our blocks.

Q Then you don't know when those people left the crematory again, is that right?

A Yes. We did not pay any attention how long they remained in the crematory.

Q How tall approximately were the three men whom you did not recognize?

A The other two were a little taller than Maischein.

Q How tall do you estimate Maischein to be?

A One meter 65.

Q Did you yourself talk to the crematory capo, Fuchs, on the following day?

A Yes, I went to see him for a very special reason, a very personal reason, and on that occasion I asked him.

Q And what did Fuchs reply to your question?

A I asked him who had been there the previous night, and he replied that this was Maischein, and they have brought Kunze.

Q Do you mean to say that you had been interested to learn who had taken that from the bunker to the crematory, is that right?

A Yes.

Q And how come that you know only the name, "Maisonein"?

A Because Fuchs at that time only mentioned the name, "Maischein" to us and because Maisonein is the man who was the most interesting for us.

Q In what respect was Maisonein the most interesting personality for you?

A Because at that time there were already several rumors running around about Maisonein in camp.

Q Were those the same kind of rumors like the rumor saying that he had been a guard?

A No, the rumors were of a different nature. They stated that Maischein was very interested in the bunker.

Q And who were the two other men?

A I don't know.

Q Didn't you ask Fuchs about this?

A No. The posibility exists that he may have mentioned the names but I would have to lie if I would claim to know them now.

Q Did you talk to Doctor Kanr about this affair at any time?

A I had nothing to do with Doctor Kanr in camp, and I have not spoken to him here either.

Q But isn't it right that you most likely spoke to other former inmates who spoke to Dr. Kahr here?

A I would say that this is not so.

Q Did you ever learn that Kunze was still alive after the fifth of January 1945?

A No, I don't believe that he was still alive after the fifth of January?

Q Isn't it a fact that on the fifth of January 1945 Maischeim was no longer in Dora but in Rottleberode?

A I believe that Maischein came to Rottleberode only toward the end of January.

Q How do you know that?

A He came to Dora frequently because he was calling for medicaments for Rottleberode.

Q How do you know that, being at work in the tunnel?

A Because in camp such things and such persons are always talked about.

Q In other words, all you know about this case is only hearsay, with the exception of one fact, that you have once seen three men carrying a body which you did not recognize.

A The various rumors about Maischein are hearsay, except that one fact where he carried that one man out of the bunker.

Q By that the man who carried that person out of the bunker is supposed to have been Maischain? You do not know how, of your own knowledge, but only what you have heard from somebody else, isn't that right?

A To judge by the physique and after we had asked about it, I don't believe that folks had been interested to mention the name of a person who had not been present.

Q Do you know when Kunze was arrested?

A I do not recall the exact date but I believe it was already 1944,

in the fall.

Q Do you know a certain Mr. Ackermann who had appeared here as a witness?

A Yes.

Q What would you say if I would tell you that Ackermann stated a different date than the fifth of January 1945? What would you say to that?

A I believe that Ackermann knows so much that it is possible that he made a mistake this time. Referring to this date.

Q Isn't it a fact that the man Kunze who has been mentioned here was of German nationality?

A I never asked him about his nationality.

Q Did you ever talk to him?

A Occasionally when I went to the pig sty.

Q Hadn't Kunze been a member of the German parliament?

A I don't know what Kunze did in civilian life.

Q But you cannot deny that he had been a German national?

A I never asked him for his nationality.

Cross examination for the accused Simon (by Dr. Aheimer)

Q When did you go on the transport in April 1945?

A That was in the first half of April.

Q Can you give us the exact date?

A No.

Q What had been the purpose of that transport?

A The transport had been assembled in the tunnel; we had been loading Junkers airplane parts. They were meant to go to Gmunden in Austria, for further assembly.

Q And how many prisoners escorted that transport of material?

A I cannot give you the exact amount but I think it was more than 350.

Q And how many guards were present?

A That I do not know.

Q Isn't it a fact that the leader of that transport was a 1st Lieutenant of the aircorps Scheufelen, a man who is now in the United States?

A That is correct, but his responsibility actually had only been to see that the engines will come to the right place.

Q How do you know that he had that sole responsibility?

A Because this is what he said. There had been the low-flying fliers attack, and he had said,"It is my responsibility to see that the stuff gets where it belongs." There had been an argument between the labor service leader Simon and that first lieutenant, and the reason was about stopping the train during air attacks.

Q What had been the argument between those two people?

A If Simon would have had his way he would have gone through all the time. He would never have stopped.

Q Isn't it a fact that the deputy transport leader was SS M/Sgt. Puster?

A Puster was second transport leader.

Q Isn't it correct that Schroer was the first transport leader and Puster was the second?

A I only know that, that when we left Dora Simon first took over the transport.

Q Was at that time Puster and Schroer already present?

A Simon and Puster came along with us and where Schroer joined us I do not know.

Q Then you could not say that it is not so that Simon only was in charge of the transport up to the time that Schroer joined the transport; isn't that right?

A We saw that air corps lieutenant for the first time during the first air attack.

Q When were the cars with the female Jewish inmates connected to the train for the first time?

A That we couldn't know, because we had been in closed cars.

Q Who was high rank, Puster or Simon?

A I believe Simon was high in rank.

Q What had been his rank at that time?

A I believe master sergeant.

Q Isn't it a fact that Puster was master sergeant and Simon tech. sergeant, that makes it less than Puster?

A I could not argue that point. As far as we were concerned he had been the labor service leader and he had to see to it that those people who had been selected had to get to Austria.

Q Is this only your personal opinion or do you base it on something specific?

A His whole attitude during the transport definitely pointed to the fact that he was determined to keep the command within his hands, and that he actually did keep it within his hands.

Q Where did that low-flying fliers' attack, that you have mentioned during cross examination, occur?

A If I remember correctly, it was either at Vienenburg or before Seesen.

Q And how long had it been at that time that the cars with the female prisoners had been connected to the train?

A During the first air attack we found that two box cars, two closed box cars had been connected to the train and this is where we heard the crying and yelling.

Q And what happened after you heard the crying of the women coming from those cars?

A There were some amongst us who wanted to go down and wanted to open, but then the order came through that this was prohibitted, but in

spite of that, Fritz Engers went over there/and unlocked those cars.

Q You said the order came through. In which way did that order come through?

A Somebody was shouting from the head of the train, "Nobody has any business at those cars"; and to judge by the voice, it was Simon.

Q You mean to say that you think by the voice you have recognised Simon as the person who gave that order?

A For one thing, yes; and for another thing because he was the transport leader.

Q Isn't it a fact that the inmate Engers received the instruction from Simon to open the cars containing the female inmates?

A I couldn't say that, but I don't think so.

Q Was Engers in your car?

A No.

Q Do you know how far Engers car was from your car in the train?

PROSECUTION: I pray the court's judgment; what has that got to do with it?

DR. AHEIMER: I believe this is material, because the defense later on will prove Engers acted on the instruction of Simon.

PRESIDENT: Objection overruled.

INTERPRETER: Will you repeat the question?

(The question was read by the reporter.)

A No, I don't know that, but when the low-flying fliers' attack occurred we all had to leave the train and we all gathered around in one big crowd until the order came from the aircorps lieutenant to lie down or disperse.

Q Did you know prisoner comrades by the names of Koerner and Krueger?

A Yes.

Q Isn't it a fact that those two men, Koerner and Krueger, opened, together with Engers the cars where the female prisoners were?

A That is something I can no longer say today, because the excitement and commotion was very big and at that time there were several persons who walked over there to help those women.

Q But you cannot say for sure that Simon prevented these men from opening the cars?

A It is certain that he has said that nobody was allowed to go near those cars.

Q And when was this?

A In the moment the low-flying fliers' attack occurred.

Q What happened to the wounded?

A We unloaded all the wounded and then we loaded them again and then we drove until we had passed two railroad stations, with a broken down engine, until we reached the hospital.

Q And those wounded were taken to the hospital at Wolfenbuetten, is that correct?

A We didn't know the name of the station because it was pretty dark.

Q And do you know if the dead were buried in the cemetery in Schaden?

A I don't know, because we continued our ride.

Q What kind of a triangle did you wear?

A A green one, like the great majority.

DR. AHEIMER: No further questions.

PROSECUTION: Nothing by the prosecution.

DEFENSE COUNSEL: Nothing by the defense.

PRESIDENT: There are no questions by the court.

PROSECUTION: May the witness be permanently excused?

DEFENSE COUNSEL: I would like to talk to him during recess,

(Lippold - cross)

if I may, and may we postpone his permanent excuse?

PROSECUTION: Well, may he be temporarily excused?

PRESIDENT: The witness will be temporarily excused.

DEFENSE COUNSEL: If the court please, the witness who just left the stand may be permanently excused.

EDWARD BAUMRUECK, called as a witness by the prosecution, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION

Q What is your full name?

A Baumrueck, Edward.

Q Where do you live?

A Frankfurt on the Main.

Q What is your nationality?

A German.

Q Your age?

A 61 years.

Q Your civilian occupation?

A Later on I learned to be a foundry worker. Later on I worked as nature healer.

Q At one time were you a prisoner at Dora?

A From November 1943 until the fifth of April 1945.

Q And did you, some time in April, go on a transport?

A Yes.

Q From where to where.

A From Dora nach Gmunden Obensee.

Q Who was the leader of that transport?

A There were two men who gave orders on this transport. Their names were Fuster and Simon.

Q Would you know Simon if you saw him again?

A Yes, the man with the glasses. (Indicating).

Q That was rather doubtful. Will you go up to him and point him out?

A No. 16. (Indicating.)

DEFENSE COUNSEL: We will concede that he identified him.

PROSECUTION: Let the record show that the witness has identified the accused Simon, wearing placard No. 16. Will you tell the court what you can about Simon, and this transport? Just about the transport.

A Yes. On the 5th of April 1945, we departed. We took off for the transport to Gmunden, and on this transport, on this train, two cars were connected which contained Hungarian Jewesses.

Q When were these two cars with Hungarian Jewesses attached to the transport train? When and where?

A I don't know when they were attached. I mean to say I don't know where they were attached. The first time I saw them was behind Magdeburg when we had to go into the woods due to an air raid alarm.

Q Tell the court what you know about these two wagon loads full of Hungarian Jewesses.

A Those two cars were locked. And we were later on attacked by low-flying fliers. We took to the woods and the plane was attacking the whole train, going from the rear to the engine. The two cars were directly behind the engine and I was in either the third or in the fourth car. When the order came, or the alarm came, saying "low-flying fliers", we all run to the woods which was in the vicinity, at the slope of a hill. I was lying next to an air corps lieutenant who was also on this transport and I saw perfectly well when the bullets hit the cars. I heard the horrid yelling in the cars containing the women, because the women could not leave the cars.

Q What did Simon and Puster have to do with the fact that these Hungarian Jewish women were shot?

A There was general talk that it is prohibited to open the cars. Also during the ride while we were riding the cars were locked.

PROSECUTION: Your witness.

THE WITNESS: I want to add something about the end of the trip. At the time when we arrived in Brunden---

PROSECUTION: Your witness.

CROSS EXAMINATION

QUESTIONS BY DOCTOR AHRIMER:

Q Please continue to say what you just started to say.

PROSECUTION: I pray the court's judgement. He is asking him what I deliberately refused to ask him about. I am trying to shorten this trial. I refuse to let him trial.

DOCTOR AHRIMER: I withdraw the question and I am going to make the witness my own if necessary.

PROSECUTION: If it please the court, go ahead. Do it now if that what he wants to do, may it please the court.

DOCTOR AHRIMER: I am going to do this after I have spoken with the witness.

QUESTIONS BY DOCTOR AHRIMER:

Q Mr. Baumbrueck on which day did the transport leave Dora?

A The Thursday following Easter.

Q What was the purpose of the transport, the full purpose?

A PROSECUTION: I pray the court's judgement. What is the difference what the purpose of the transport is? I object.

DOCTOR AHRIMER: I believe I have the right to mention in cross examination what the purpose of the transport was.

PRESIDENT: The objection is overruled. Proceed.

QUESTIONS BY DOCTOR AHRIMER:

Q We had loaded machinery in Dora and the purpose of the transport

was to continue manufacturing airplane engines and parts in Gmunde.

Q How many prisoners from Dora, as far as you know, went along on this transport?

A It was talked about 250.

Q Of how many box cars did the train approximately consist of?

A That I wouldn't know.

Q Were any supplies taken along?

A Yes.

Q Machinery--I mean parts of weapons.

A We had to load all these parts and they were loaded on the train and they also were taken out of the tunnel.

Q Isn't it a fact that the first lieutenant on the air corps by the name of Scheufele was a leader of that transport?

A No, I don't know of that.

Q Whom do you know as the leader of that transport?

A When we departed in Dora it was announced that the leader is Puster but nevertheless Simon took a hand in it and he also prohibited us to accept the food which the Czechs gave us.

Q Isn't it a fact that the reason he forbade you to accept food from the Czechs was because there was sufficient food on the transport which they had taken along?

A It was said in Dora and also during the transport that we only had sufficient food for two days on the transport.

Q Have you personally been only two days on the transport or have you been on the transport for a longer period of time?

A The transport left on the Thursday and we arrived in Ebensee Sunday on the following week. It makes 11 days altogether.

Q Isn't it a fact that you received your regular meals up to the end?

(Baumbrueck-dross)

A The only thing we received during the transport was what the Czechs gave us. The only time I received something to eat was when we had a long stopover and then the Czechs gave us some food at the railway station.

Q Isn't it a fact that during the transport continuously food rations were issued and distributed to the prisoners?

A I don't know anything about this because if that had been true the capo would have had to distribute the food in the car.

Q And is it right that the man by the name of Fuster whom you have mentioned before was a master sergeant?

A In spite of the fact that I have spent almost two years in camp I never took the slightest interest in anybody who was a non-commissioned officer. I hated all those murderers who have killed my wife.

Q Did any of the accused who are sitting here kill your wife?

A No.

Q When and where did this air attack which you have told us about before occur?

A I don't know the name of the village because we were attacked just before a village and then we couldn't continue our trip in the darkness.

Q Did I understand you correctly that it was after Magdeburg?

A Yes.

Q You said under direct examination that you had taken to the woods and that you were lying next to a lieutenant from the air corps, is that right?

A Yes. The lieutenant was lying next to me and the bomb exploded right next to us and the splinters were flying all over and the lieutenant said to me literally, "Don't be afraid."

Q Did that lieutenant have anything to do with the leadership of the transport?

A It was said that Fuster was the leader of the transport but Simon supported him at all times.

Q Do I understand you correctly, the orders which counted were given by Fuster during the transport at all times?

A And Simon.

Q You want to say then Fuster and Simon?

A Yes.

Q Do I understand you correctly that you have stated at the end of your examination that it was generally known that it was prohibited to open, it was generally said that it was prohibited to unlock the cars where the female Hungarian prisoners were?

A Yes.

Q When was that said?

A Those capos who were under arms had the order not to let anybody go near those cars.

Q Do I understand you correctly that the order that nobody was to go near these cars with the female prisoners was already issued before the air attack occurred?

A That may be.

Q Then the purpose of that order was evidently to prevent that the male prisoners would mix with the female prisoners, is that right?

PROSECUTION: I pray the court's judgement on the ground that that question is hypothetical.

PRESIDENT: The objection is overruled. The witness may answer the question.

DOCTOR AHRIMER: I add, if you have heard the purpose of that order.

THE WITNESS: The order was given by the armed capos that nobody is to go near the locked cars. Whoever gave the order, that is something I don't know.

Q What kind of capos were those who were armed, the ones whom you just have mentioned?

(Baumbruck-cross)

A Those were the capos of those 250 Germans who were in the tunnel at last and who loaded the machinery.

Q Isn't it a fact that you had been told at the time the transport had been established and also during the first days on the transport that you were not to come in contact with any outsiders since you have been working in this camp where secret armament was being manufactured?

A I don't know anything of that.

Q It is right, is it not that you heard the general order not to go near the box cars with the women from the capos only?

A Yes.

Q And because that general order existed at first you and the other prisoners did not dare to go and open the locked cars when the air attack occurred?

A I could have opened the car because I was the first one to be in the woods but I said to myself, "I am not going to risk my life." because the order existed anybody who approaches the car will be shot.

Q And the threat that everybody would be shot who would approach the cars containing the female prisoners that threat had been given out already before the air attack, is that right?

A When the order was issued I couldn't say either.

Q But isn't it right that finally the cars containing the female inmates were opened by prisoners from your transport, isn't that right?

A Yes, after the flyer ordered to fly for the third time over the train. And those inmates who did go and unlock the cars were not shot at, by the guards. They were the most yellow cowards. They were hiding in the woods and nobody ever saw them again.

Q Who unlocked the cars?

A That was a little fellow. I only know his first name. Fritz. I believe he had to serve 10 years.

Q Wasn't it several prisoners and they had the last name of Engert, Koerner and Krueger?

A Engert is Fritz. I recall his last name now. The others I did not see again.

Q Did Engert open one or two cars?

A I don't know.

PRESIDENT: The court will recess for 15 minutes.

(Thereupon at 1455 hours the court recessed.)

(Thereupon at 1510 hours the court reconvened.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all the members of the court are present; all of the accused are present; the prosecution and defense are represented by counsel; the reporter and interpreter are present.

At the end of the last session the witness was under cross examination.

PRESIDENT: The witness is reminded that he is still under oath.

EDWARD BAUMBRUECK, called as a witness by the prosecution, being reminded that he was still under oath, resumed the stand and testified through an interpreter as follows:

CROSS EXAMINATION, continued

QUESTIONS BY DOCTOR AHEIMER:

Q Is it correct, witness, that during the air attack about which we talked before approximately 40 people were killed?

A I didn't hear this large figure. I heard about 17 or 18 dead.

Q Isn't it a fact that most of the dead were civilians and only three of the male prisoners and two of the females died?

A I don't know the result how many of them were civilians, how many of them were prisoners, how many men among them and how many women. I don't know the final figure.

(Baumbrueck-cross)

Q But anyway among the figure of people killed were also some who were not in the train but had been hiding alongside the train?

A For instance there was a case with a civilian worker whom I was supposed to bandage. Yes. How many were dead in the train of the civilians or prisoners, I don't know.

Q Isn't it a fact that the wounded people were brought to the hospital Wolfenbuettel where they were unloaded?

A I don't know.

Q But did you hear that they took care of the wounded people by bringing them to a hospital?

A Where the wounded people were brought, I don't know.

Q Did you hear that the people were killed and were buried in the cemetery in Schaden?

A How shall one hear about it. The train goes off again.

Q In other words you did not hear anything about it?

A No.

Q What kin of a triangle were you wearing in Dora?

A I had been sentenced to four years at the penitentiary for preparation of high treason and my sentence was interrupted at the penitentiary in Seeburg and because I then fought with the loyalists in Spain and through the international Espiritu Organization had contact with other countries. I was taken again together with Doctor Gimnish and received like him a green triangle.

There was an order that all men who had been political workers and who had been sentenced to four years of penitentiary or more had to be considered as professional criminals. When I went to the penitentiary and asked why I had been considered a professional criminal and why I had been sent to Buchenwald Mr. Hergert told me, "You were a red front fighter in Spain and on orders of the Gestapo you were transferred to the camp on the 22nd of June, 1942.

Q Mr. Baumbrueck did you have an opportunity in Dachau to talk with

the witness Engert who was mentioned here before while you were in Dachau?

A I did not talk to Engert at all from the moment I saw him opening the box cars until today.

DOCTOR AHEIM: No more questions.

REDIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION:

Q Was this train to which these two cars of women were attached marked in any way to show that there were prisoners aboard that train?

A No I couldn't see that. I couldn't say anything about that.

Q Was it necessary, to your knowledge, to look these two carloads of women in for security reasons of any kind?

A I didn't consider it necessary for humane reasons. I thought it would have been better if the cars would have been open so that the women would have gotten some fresh air.

Q My question was, do you know of any reasons for security of "V" weapons or other kind of military secrets that these two carloads of women should have been locked up?

A It is my opinion that the women had nothing to do at all with the weapons.

Q I didn't ask you your opinion, I asked you if you knew anything.

A No, I don't know anything about that.

PROSECUTION: Nothing further.

RECROSS EXAMINATION

QUESTIONS BY DR. AMSIMER:

Q The cars in which you and your comrades travelled, were they marked as containing prisoners?

A They were box cars and open cars which later on just received a cover, and I was lying right in front of the car, but I never saw that a car was marked that prisoners were there.

Q So in general it was not customary that any notes were put on the car to show that prisoners were in this car?

A I never saw any notation on a car of this kind.

Q Mr. Baumrueck, is it correct that these two cars with female prisoners had nothing to do with your transport at all?

A The reason why these two cars were connected with our transport I do not know.

Q So you don't know either whether the transport leader of your transport took also charge of the welfare of these two cars with female prisoners, is that correct?

A Then there should have been a separate transport leader for these women, but that was not the case.

Q Isn't it a fact that with these two cars with female inmates, female SS guards were?

A In accordance with my reasoning, if So female guards would have been in these cars, then these cars would not have been locked, and I didn't see any when the wounded women were brought back to the cars later on.

DR. AHSIMER: No further questions.

PROSECUTION: Nothing further by the prosecution.

PRESIDENT: There are no questions by the court.

PROSECUTION: May the witness be permanently excused?

PRESIDENT: Does the defense object?

DEFENSE COUNSEL: May he be temporarily excused?

PRESIDENT: The witness may be temporarily excused.

(Whereupon the witness was temporarily excused and withdrew.)

HEINRICH VOGES, called as a witness by the prosecution, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q What is your full name, please?

A Heinrich Voges.

Q Where do you live?

A Gross-golden Number 61, near Hanover.

Q Your nationality?

A German.

Q Your age?

A 33 years.

Q Your civilian occupation?

A I learned as a carpenter, but at the present time I am working as a miner.

Q Now, you were a prisoner in Dora, were you not?

A Yes.

Q From when to when?

A From the end of 1943 until August 1944.

Q And what did you do after August '44?

A I went to Wieda, outdetail Wieda.

Q How long did you stay in Wieda?

A Until the end.

Q In the course of your imprisonment you got to know some of the SS personnel and prisoners on duty at Dora, did you not?

A Yes.

Q Will you look around the courtroom and get up from your witness chair, if necessary, and tell the court if there are any people in the courtroom that you recognize having met while you were a prisoner at Dora?

A That is Zwiener (indicating).

PROSECUTION: Let the record indicate the witness has identified the accused Zwiener, wearing placard Number 19.

THE WITNESS: I saw that he hung people.

PROSECUTION: The next one you recognize?

THE WITNESS: I know him. (Indicating)

PROSECUTION: What is his name?

THE WITNESS: Ulbricht--I know him from Buchenwald from the punishment camp and I saw him again in Dora.

PROSECUTION: Let the record show that the witness has identified the accused, Ulbricht, wearing placard Number 17.

THE WITNESS: (Indicating) He looks familiar to me, but I don't know his name.

PROSECUTION: All right, that is enough for me.

THE WITNESS: That is Walents (indicating), Jacobi (indicating).

PROSECUTION: Let the record indicate that the witness has identified the accused, Walenta, wearing placard Number 18, and Jacobi wearing placard Number 9.

QUESTIONS BY PROSECUTION:

Q When did you first meet Ulbricht in Dora?

A I can't give you the exact date. I was in Dora from the end of '43 until 1944, and during this period of time I saw him there.

Q Give the court your best estimate of the time you first saw Ulbricht after you came to Dora--your best judgment.

A Beginning of '44.

Q And where was Ulbricht when you left Dora to go to Wieda?

A I don't know that. I assume he was still in Dora.

Q Can you tell the court the last time you saw him in Dora? Approximately?

A I can't tell you exactly.

Q Do you know what Ulbricht's duties were at Dora?

A No. I didn't like him so much that I took any more interest in him.

PROSECUTION: Your witness.

DEFENSE COUNSEL: No questions.

PROSECUTION: I ask that the witness be permanently excused.

PRESIDENT: Does the defense object?

DEFENSE COUNSEL: No objection.

PRESIDENT: The witness may be excused permanently.

(Thereupon the witness was excused and withdrew.)

PROSECUTION: The next witness is Walter Trost.

WALTER TROST, called as a witness by the prosecution, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q Your full name is Walter Trost?

A Walter Trost.

Q And your nationality?

A German.

Q Age?

A 47 years.

Q Residence?

A Kueps in Upper Frankonia.

Q Your civilian occupation?

A Waiter.

Q Now, you were at one time a prisoner in Dora, were you not?

A Yes.

Q From when to when?

A From January '44 until April '45.

Q What were your duties there?

A I was in the construction department--construction detail. I was working in the construction detail, Hoentief. Later on I was in the camp detail, then I was in the SS bath house. Then in between I was in the stone quarry. And for four months I was in Wieda.

Q What were your duties in Wieda?

A There we built a railroad and we cut down trees.

Q Would you look around the room and tell the court if there are any people in here in this room whom you met while you were a prisoner in Dora or Wieda?

A SS Tech Sergeant Simon.

Q You will have to get up closer and point them out so the court will be sure.

A The fourth from the right (indicating).

PROSECUTION: Let the record show that the witness has identified the accused Simon wearing placard Number 16.

THE WITNESS: SS First Lieutenant Boeser (indicating).

PROSECUTION: Let the record show that the witness has identified the accused Boeser wearing placard Number 13.

PRESIDENT: I wish the witness would go up close, directly at them so the court may be sure of the identification.

PROSECUTION: Will you point exactly to Boeser, go closer to him.

THE WITNESS: (Indicating).

PROSECUTION: That is Boeser, which is Simon?

THE WITNESS: (Indicating).

PROSECUTION: Now, who else do you know?

THE WITNESS: Brinkmann (indicating).

PROSECUTION: Let the record show that the witness has identified the accused Brinkmann wearing placard Number 3.

THE WITNESS: Zwiener, Willi. (Indicating)

PROSECUTION: Let the record show that the witness has identified the accused Zwiener wearing placard Number 19.

THE WITNESS: Koenig (indicating).

PROSECUTION: Let the record show the witness has identified the accused Koenig wearing placard Number 11.

THE WITNESS: Buehring (indicating).

PROSECUTION: Let the record show that the witness has identified the accused Buehring wearing placard Number 4.

THE WITNESS: Kilian (indicating).

PROSECUTION: Let the record show the witness has identified the accused Kilian wearing placard Number 10.

THE WITNESS: Walenta (indicating).

PROSECUTION: Let the record show that the witness has identified the accused Walenta wearing placard Number 18.

PROSECUTION: Look at them one by one so that when you get through from here we can call it quits.

THE WITNESS: Jacobi (indicating).

PROSECUTION: Let the record show that the witness has identified the accused Jacobi wearing placard Number 9.

THE WITNESS: That is all.

QUESTIONS BY PROSECUTION:

Q Do you know who was in charge of the--I will withdraw that. You identified the accused, Moeser. What can you tell the court about Moeser?

A I didn't see anything of Moeser.

Q Which one did you say was Moeser?

A 15.

Q You know nothing about Moeser?

A I saw Moeser. Sometimes I saw him frequently, but personally I didn't see him beat anybody, just a minute--on the roll call place when the mass executions took place I saw Moeser that he gave the man who had been hung and weren't quite dead yet mercy shots into the neck.

Q When did that take place?

A That was during the last execution. I don't know whether that was already in April or still in March.

Q What year?

A That was '46.

Q How many did you personally see executed?

A That was on this one occasion. I don't know how many were executed. There were in my estimation 40 or 50 men.

Q How many did you see Moeser give the mercy shot to?

A I didn't figure out the exact number, but two of them I saw for certain. They were dragged to the place where we were standing and they were put there in the sand.

Q Were they dragged there after or before they were shot?

A We all had to fall out in formation on the roll call place and my block was standing just in a position that we could see it.

Q My question was, were they dragged to this place before they were shot or after they were shot?

A Before. First they were brought there and then--

Q Then what?

A And then they were brought to the crematory.

Q How many times did Moser shoot each man?

A In my opinion once.

Q Now, these two cases that you just told the court about--did you see that personally with your own eyes?

A Yes.

Q Do you know any of the people who were on duty with the SS hospital in Dora?

A No.

Q Do you know who was the sanitary aide or assistant in the SS hospital in Dora?

A That is said a little bit too much.

Q In the SS hospital?

A No.

PROSECUTION: Your witness.

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q These two men that Moser allegedly gave mercy shots to, were they dead or alive?

A They didn't move any more, but why is one giving a mercy shot if a man is dead already?

Q They were not moving, is that right?

Q Were they dragged there after or before they were shot?

A We all had to fall out in formation on the roll call place and my block was standing just in a position that we could see it.

Q My question was, were they dragged to this place before they were shot or after they were shot?

A Before. First they were brought there and then--

Q Then what?

A And then they were brought to the crematory.

Q How many times did Boeser shoot each man?

A In my opinion once.

Q Now, these two cases that you just told the court about--did you see that personally with your own eyes?

A Yes.

Q Do you know any of the people who were on duty with the SS hospital in Dora?

A No.

Q Do you know who was the sanitary aide or assistant in the SS hospital in Dora?

A That is said a little bit too much.

Q In the SS hospital?

A No.

PROSECUTION: Your witness.

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q These two men that Boeser allegedly gave mercy shots to, were they dead or alive?

A They didn't move any more, but why is one giving a mercy shot if a man is dead already?

Q They were not moving, is that right?

A No.

Q How long had they been hanging there before they were cut down?

A Because such a large group was hanged there they didn't hang as long as before.

Q You cannot of your own knowledge say that they were alive, is that right?

A No, I can't do that.

DEFENSE COUNSEL: No further questions.

PROSECUTION: Nothing further. I request that this witness be permanently excused unless there is questioning by the court.

PRESIDENT: No questions by the court.

DEFENSE COUNSEL: No further questions.

PRESIDENT: The witness may be permanently excused.

(Whereupon the witness was excused and withdrew.)

THEO SCHULZ, called as a witness by the prosecution, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q State your full name, please.

A Theo Schulz.

Q Your age?

A 41 years.

Q Your nationality?

A German.

Q Your address?

A Muehlheim-Spelldorf, Karlsruherstrasse 16.

Q Your civilian occupation?

A Musician.

Q Were you at one time a prisoner in Dora?

A Yes.

Q From when to when?

A From the first day until the last.

Q What day was the first day?

A The 27th or 28th of August 1943 until the 6th of April 1945.

Q What were your duties while you were at Dora?

A In the beginning I had the tool room. Later on I was a foreman or capo respectively of the prisoners' canteen.

Q When did you first become the capo in the prisoner canteen?

A That was the end of 1943.

Q And when did you cease to be the capo there?

A After I had been punished once in the summer of 1944.

Q Describe this canteen to the court briefly.

A The canteen consisted of a large warehouse room. Connected with it were a few smaller storerooms then a kitchen, a room to prepare the food, a day room, and an office.

Q What food was sold in this canteen?

A In the canteen were sold additionally oysters, mustard, lemonades, a small number of toothbrushes, soap, soap powder, buttons, and smoking materials.

Q Now, were you ever in the canteen after you ceased to become capo?

A Yes, as a salesman or a foreman, respectively.

Q Didn't you say you ceased to be the capo of the canteen in the summer of '44?

A Yes. Another capo took my place.

Q But did you continue to work in the canteen?

A Yes.

Q Until the very end?

A Until the last day.

Q What kind of oysters were these that you sold in the canteen?

A Salt oysters, oysters in mustard and mussels and gelatin.

Q When were these oysters sold in that canteen?

A That started in 1944 in the spring perhaps.

Q And for how long was that sort of business sold--these oysters you are talking about?

A Until the end.

Q Who could buy these oysters and how much did you have to pay for them?

A The price was pretty high. Anybody could buy them but not everybody could get them because there weren't enough of them. Excluded from sale on orders of the SS were the Jews.

Q What kind of lemonade was this?

A Raspberry and cherry, but only once since only one bell had been received o[illegible]. Oysters--mussels or shells.

Q Do you mean by that, only once during your imprisonment in Dora did they sell this raspberry lemonade?

A Yes.

Q And only once during our entire time in Dora did they sell this other kind of lemonade you mentioned?

DEFENSE COUNSEL: If it please the court, is this cross examination, or is this a hostile witness?

PROSECUTION: That is just what I said. I don't remember the question. I ask the court's judgment.

PRESIDENT: No objection has been made.

PROSECUTION: Will you please read the question?

(Whereupon the reporter read the last question, "And only once during your entire time in Dora did they sell this other kind of lemonade you mentioned?")

PROSECUTION: Is that what you said before?

THE WITNESS: I said that raspberry and cherry lemonade, one bell of each was there.

QUESTIONS BY PROSECUTION:

Q What kind of soap was this?

A This war soap, this lava soap.

Q What else was there to eat besides these mussels and this lemonade.

A In a few cases saurkraut, red beets, and vegetable salad.

Q Tell the court something about this vegetable salad.

A The vegetable salad was mixed out of several kinds of vegetables. They were prepared after they were cut in small pieces with vinegar.

Q How often could a prisoner buy that?

A If there was something available everybody could buy it.

Q How often was it available to buy this vegetable salad?

A I can testify that during my time approximately 120 kegs or barrels of this vegetable salad were sold.

Q How much did each keg weigh?

A That varied. There were small kegs which contained perhaps 100 pounds, 1 zentner, and there were large kegs which contained approximately 2 zentners, 200 pounds, 2 zentners.

Q These beets that were sold in the canteen, how were they prepared?

A They were also prepared in vinegar.

Q How often and what quantities could a prisoner buy of the beets?

A For instance, for 50 pennies one could get one plateful.

Q How often? How often did you have it to sell?

A As I said before, approximately 120 kegs, so that most of the time no vegetables were available.

Q Did you say 120 kegs of potato salad, or was it 120 kegs of beets, which was it?

A Vegetable salad I said, perhaps half of it vegetable salad and half of it red beets.

Q And how much sauerkraut was sold in that canteen during your time as you recall?

(Schulz-Direct)

A Sauerkraut came very little, perhaps 6 or 8 kegs.

Q How big were those kegs?

A They were also kegs of 200 pounds each, but they seldom contained the full weight.

Q And about how many kegs of sauerkraut did you say?

A 6 to 8.

Q Now, in addition to the mussels that were sold during the time you were in Dora through the prisoner canteen, in addition to this one occasion or these two occasions when they sold lemonade and in addition to this 6 or 8 kegs of sauerkraut, and together with 120 kegs of beats and vegetable salad, how many other types of food was sold in the canteen during your entire time in Dora?

A Another of food stuff; once young carrots came in, young peas, onions, and celery roots; furthermore, little sour fish.

Q How much sour fish?

A That was very little, I think at the most 20 kegs.

Q And how much of these peas and young carrots did you get?

A Young carrots--I think there were 30 zentners, 3,000 pounds of them; peas, I think 80 zentners, 8,000 pounds; and onions, there might have been 50 zentners, 5,000 pounds.

Q What else was sold in the canteen in the way of food during the entire time you were a prisoner in Dora in addition to what you have mentioned?

A From the post office I received from the packages some flour and other dry foodstuff like peas and et cetera. And the soups which were cooked out of this food were given out without any expense for the men to the details which carried out heavy work. I remember that perhaps three times I received a shipment of approximately one and a half zentners, 150 pounds.

PRESIDENT: The court will recess for 15 minutes.

(Whereupon the court recessed at 1600 hours.)

* * *

(Whereupon the court reconvened at 1615 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present; all of the accused are present; the prosecution and defense are represented by counsel; the reporter and interpreter are present.

At the end of the last session the witness Schulz was under direct examination.

PRESIDENT: The witness is reminded that he is still under oath.

THEO SCHULZ, called as a witness by the prosecution, being reminded that he was still under oath, resumed the stand and testified through an interpreter as follows:

DIRECT EXAMINATION, continued

QUESTIONS BY THE PROSECUTION:

Q Will you look around the room Mr. Schulz and see if there is anybody in the room whom you met at Dora while you were a prisoner there? If there are any such will you go right up to them and point them out.

A Koenig.

PROSECUTION: Let the record indicate that the witness has identified the accused Koenig wearing placard number 11.

A Maischein.

PROSECUTION: Let the record indicate that the witness has identified the accused Maischein wearing placard number 12.

A Brinkmann and Moeser.

PROSECUTION: Let the record indicate that the witness has identified the accused Brinkmann wearing placard number three and the accused Moeser wearing placard number 13.

A Simon.

PROSECUTION: Let the record indicate that the witness has identified the accused Simon wearing placard number 16.

A Detmers.

PROSECUTION: Let the record indicate that the witness has identified the accused Detmers wearing placard number five.

A Zwiener.

PROSECUTION: Let the record indicate that the witness has identified the accused Zwiener wearing placard number 19.

A Kilian.

PROSECUTION: Let the record indicate that the witness has identified the accused Kilian wearing placard number 10.

A Jacobi.

PROSECUTION: Let the record indicate that the witness has identified the accused Jacobi wearing placard number nine.

A Walenta.

PROSECUTION: Let the record indicate that the witness has identified the accused Walenta wearing placard number 18.

A Andrae.

PROSECUTION: Let the record indicate that the witness has identified the accused Andrae wearing placard number one.

A Brauny.

PROSECUTION: Let the record indicate that the witness has identified the accused Braumy wearing placard number two.

Q Will you tell the court very briefly what you know about Moeser?

A Moeser is known to me as protective custody camp leader.

Q What can you tell the court about him?

A During interrogations which took place in the room of the roll call leader Moeser mostly was present. During a mass hanging at the roll call place I saw from the window of the canteen that Moeser went over to the man who had been hung already and were lying on the ground and fired two or thre shots into them.

Q Upon how many people did you say he fired shots?

A Two or three respectively.

Q Can you tell how many shots he fired at each of these two or three?

A I think each time one shot.

Q Can you tell what part of the bodies he fired at?

A The head.

Q Can you tell the court when this shooting took place?

A In my opinion that happened at the beginning of 1945.

Q Can you tell whether the people at whom he fired were dead at the time he fired at them?

A They had hung on the gallows for a while. They had been taken off again so I assume they must have been dead.

PROSECUTION: I ask that the last be stricken from the record beginning with I assume.

PRESIDENT: The motion of the prosecution is granted and that part of the witnesses answer beginning, "I assume" will be stricken from the record.

QUESTIONS BY THE PROSECUTION:

Q Do you know whether or not these prisoners were dead at the time Moeser fired the shot? Do you know personally whether they were dead or alive?

A From the distance which was approximately 80 meters.

Q Please answer yes or no. Were they alive at the time he fired the shots at them or were they dead?

A They must have been dead.

Q What did you also start to say about Moeser about a transport?

A He was our transport leader during the evacuation.

Q From where to where did this transport go?

A The transport wentfrom Dora over Ellrich to Zettenborn and to Osterode and from there by foot in the direction of Ocka.

Q Did anything special happen on that transport? If it did tell it to the court?

A Yes. I participated in this transport in one railroad car in

which in addition to me were 50 other prisoners and they were marked with white bands around their arms and mostly they were carrying rifles. These were the men of the alleged detail 110.

'In Tettenborn the train stopped since allegedly no engine was available. During the night of the seventh or the night from the seventh to the eighth, I heard around midnight or one o'clock in the morning that shots were fired into the car in front of ours. The next day before noon I saw that a Doctor Cespiva and a few other men who had red cross signs on their arms were carrying dead bodies out of this car and then these corpses were buried in an area about 30 to 80 meters away from there where a lot of bushes were standing around. At night that transport left Tettenborn again to the end station. Of course, there was no railroad station, it must have been Osterode or Herzfeld. The prisoners who were still able to march left the cars since it was said we would start marching now. I myself and a few of my comrades ran over to a brewery and got a trailer for a car and on this trailer we loaded our bagagge and we followed the transport. In front of us a large vehicle, farmers vehicle, loaded to the top with canned goods, schnapps, etc. Then together with Martin Foersch and my brother I left the transport and a few kilometers before Ooka I fled into the Harz mountains. After we had spent the night there the next day we walked the road in the direction of Ooka and there we found out that on the road in a little water running on the side of the road and in the Ooka itself every 15 or 20 meters a prisoner was lying either shot to death or clubbed to death.

On the 8th of April Mrs. Appel took us in her house and she kept us there and fed us for approximately six weeks.

Q Well, what I would like to know, what I would like you to tell the court, if you know, is what did Moeser--who was the transport commander, did you say?

A The transport fuehrer was Moeser.

Q What did Moeser have to do with all these shootings and dyings that you just told the court about?

A The guards were under his charge anyway, also the detail 110, because I had observed before in Dora and at the time when this detail was organized that Moeser went into the woods with the members of this detail 110 for information and in order to discuss matters.

Q You have also identified the accused Dettmers. Will you tell the court very briefly what you know about Dettmers?

A Dettmers is known to me as the adjutant of the then camp commander Foerschner.

Q May I interrupt? May I ask whether or not this interpreter has been instructed as to the proper translation of the German word adjutant?

PRESIDENT: I do not believe he has. It has been determined in this court that the German word will be translated "executive officer" and the American word "adjutant" will be translated as "ordinance officer".

INTERPRETER: All right. "I knew him as executive officer".

Q Tell the court briefly what you know about him?

A Dettmers was furthermore the lager officer. In this capacity he had to deal not only with the trial and interrogations of SS men, but also he took care of the interrogations of the prisoners and on one occasion I saw myself that with his riding crop which he was wearing all the time he beat into a group of four to six prisoners.

Q You identified Brinkmann; will you tell the court very briefly what you know about Brinkmann?

A Brinkmann was rollcall leader. When Brinkmann came to Dora

together with another SS, Tech. Sgt. Knittler, the conditions changed right away unfavorably for the capos, block eldests and other groups of prisoners.

Q In what way did it change for the worse?

A He had the capos to fall out in formation in the hallway of the prisoners' clerk's office with the prisoners and he made an announcement that there would be an end now to these terrible conditions which he had found here. He didn't like the marching out and the marching back to camp and in order to underline his intentions that conditions would change now, he had two capos beaten up on the very same evening. Starting with this day it happened nearly every day that capos and block eldests were beaten and furthermore, he had capos and block eldests fall out in formation on the rollcall square. In the one occasion he made a speech where he started with the words, "You seem to smell the coming of a new day", and he had the capos and block eldests drilled on the rollcall square for an hour and a half to two hours, and this drill consisted in rolling on the ground, up and down, up and down, all the time.

Q You also identified the accused Simon. Can you tell the court very briefly anything about him?

A Simon, I know Simon as a labor service or labor allocation leader. In one case, prisoners working on the food detail had taken some margerine. These prisoners had to stand in the dayroom of the canteen all night under guard and the next day they were punished in the rooms of the labor statistics office with beatings with a stick. According to information which the prisoners who were beaten at that time gave us, the capo of the lager-schuts, the camp protection police, carried out the beatings.

Q I don't want anything more about beatings, unless the defense wants to ask it. Can you tell the court anything about Andras, very briefly?

(Schulz - direct)

A Andrae was in charge of the mail office. From him I received this additional food which had been taken out of the packages. From the capo, Kurt Glass, who worked for him at that time, I was also informed about the pilferage committed on Red Cross packages and also on other packages.

Q Did this capo, Kurt Glass, tell you anything else besides the story of the pilfering?

A No.

PROSECUTION: Your witness.

CROSS EXAMINATION

QUESTIONS BY DR. RENNER

Q You just spoke about the pilferage of Red Cross packages. When did the capo Glass tell you that?

A That was in the summer of 1944.

Q Can you still remember in which month this was?

A I cannot give you the exact month.

Q Did you ever talk to Andrae in Dora?

A No.

Q you have just testified that you received this additional food from Andrae so, if I didn't misunderstand you, you did not receive this additional food directly from Andrae; is that correct?

A Andrae was the detail leader of the post office and therefore nothing is done there without his knowledge and without his approval.

Q As long as you were at Dora were you ever inside the mail room?

A No, but next to it.

Q Through whom did you receive this additional food, if you did not receive it through Andrae?

A Through the loud-speakers announcement was made: "Prisoners' canteen send carriers right away to the mail office."

Q Were you present yourself when you picked up these things?

A No.

Q So you cannot testify that Andrae gave these things to your detail?

A The capo couldn't give them out.

Q Do you know who really gave this additional food to the men of your prisoner canteen detail?

A They were handed out at the mail office by prisoners working there, to prisoners of my detail, in the presence of Andrae.

Q Were you present when Andrae handed out these things?

A The men who were working for me.

Q Please answer my question. Were you present?

PROSECUTION: He said a half a dozen times he was not.

Q Isn't it a fact that this food was given out in the office of the [illegible]kall leader and not in the mail office?

A I was informed by my men only that they picked up this food at the mail room.office.

Q And who were the men who informed you?

A Poles and Russians.

Q You do not remember the names any more?

A No.

Q Do you know where the capo Glass is living at the present?

A Yes.

Q Is that the capo Glass who lives in Plauen in Vogtland?

A He is the owner of the musical instrument factory in Klingenthal, Hess. No, the name of the company is Hess.

DR. RENNER: No more questions.

QUESTIONS BY DR. AHEIMER (on behalf of the accused Simon)

Q You have testified on the direct examination that the accused

Simon had prisoners standing in the day room of the canteen all night since they had stolen margerine; is that correct?

A Yes.

Q You have furthermore testified that these prisoners were beaten the next day at the roll call leader's office through the capo of the lager-schutz, camp protective police; is that correct?

A Yes.

Q Was not this punishment carried out on orders of the SS Captain Forster.

A That is beyond my knowledge.

Q This margerine would have been a loss to the other prisoners if this margerine wouldn't have been taken away again from the prisoners who stole; is that correct?

A If the margerine was property of the prisoners, yes; but if this margerine belonged to some other supply source, no.

Q Is it correct that Simon bought some times kegs of beer for special prisoner details?

A I know of two incidents.

Q Is it right that canteen money was given to the prisoners?

A Yes.

Q Do you know anything about the fact that Simon helped prisoners when they came to him with special requests?

A Simon was in the prisoners' canteen at several occasions and he bought tobacco and smoking materials with his own money for man who did a good job.

Q Do you know also that Simon destroyed reports about prisoners which came into his hands?

A I could not observe that, because I had nothing to do with labor statistics.

Q Did you have an opportunity to observe the general attitude

of Simon towards the prisoners?

A Towards me he was decent.

DR. AHLMER: No more questions.

QUESTIONS BY DEFENSE COUNSEL

DEFENSE COUNSEL: If the court please, I suggest that we recess until tomorrow. This may take a few minutes beyond the time remaining now.

PRESIDENT: The court will recess until nine o'clock tomorrow morning.

(Whereupon the court recessed at 1650 hours 16 September 1947 until 0900 hours 17 September 1947.)

MILITARY GOVERNMENT COURT

CASE RECORD

VOLUME 27

Pages 1772 thru 1848

CASE NO. 000-50-37

PROSECUTOR Lt. Col. W. Berman

*SUMMARY
*GENERAL

DEFENSE COUNSEL Major L. Poullada
Kelly Singer

INTERPRETERS Roland Carroll
Eunice L. Hasdorff

PLACE Camp Dachau, Germany

REPORTERS Peter L. DiCurti
Gloria A. Spuars
Mabel D. Holt

DATE 17 September 1947

WITNESSES

THEO SCHULZ WILLI BURGDORF

FREDERIC DE LA COUR ERICH WOLSDATZ

HERBERT WEISS

ACCUSED ARTHUR KURT ANDRAE, et al

ADDRESS SEX AGE

FIRST CHARGE SECOND CHARGE

PLEAS

FINDINGS

PREVIOUS CONVICTIONS

IMPRISONMENT (TERM
(BEGINNING 194

SENTENCE

FINE AMOUNT
TO BE PAID BEFORE 194
FURTHER TERM OF IMPRISONMENT

CHARGE SHEET AND RECORD OF TESTIMONY ARE ANNEXED HERETO.

SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY

SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

R E C O R D O F T E S T I M O N Y

in trial of

THE UNITED STATES versus ARTHUR RUDOLPH, et al

by

GENERAL MILITARY GOVERNMENT COURT

tried at

CAMBERG, GERMANY beginning 7 AUGUST 1947

17 September 1947.

T E S T I M O N Y

WITNESSES:	Direct	Cross	Redirect	Recross	Court
HANS SCHULZ		1772	1778	1779	
FREDERIC DE LA COUR	1780	1786 1792			1791
HERBERT GOLDS	1793	1797 1807			1806
WILLI BERGDORF	1808	1813	1820	1820	1821 1868
ERICH WYCLEWDATZ	1822	1831			

pld-264-1

MORNING SESSION

(Thereupon the court reconvened at 0915 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present; the prosecution and defense are represented by counsel; all the accused are present; the reporter and interpreter are present.

At the close of the last session the witness Schulz was on cross examination.

PRESIDENT: The witness is reminded that he is still under oath.

THEO SCHULZ, called as a witness by the prosecution, being reminded that he was still under oath, resumed the stand and testified further through an interpreter as follows:

CROSS EXAMINATION, continued.

DOCTOR AUBIMER: Several more question in cross examination for the accused Simon.

QUESTIONS BY DOCTOR AUBIMER:

Q Were youthful prisoners employed in the Work Statistics and in the kitchen?

A Do you mean the kitchen in the canteen?

Q Yes, the kitchen in the canteen?

A Directly employed in the canteen these two youths were not.

Q Isn't it a fact that these two youths about whom you were just speaking were only used for light assistant work?

A One of the youths was working in the office doing office work and the other youth was working in the magazine preparing supplies.

Q Isn't it a fact that youths were employed in the work statistics only as messengers?

A I do not know if youths were employed in the work statistics.

Q Isn't it correct that after you had been sent to the bunker as a punishment that Simon intervened so that you came back to the canteen?

A That is correct.

Q Do you know the former camp eldests Thomas and Szymoak?

A Yes.

Q Isn't it a fact that after these two had been sent to the bunker for a short period of time that Simon took them as capos in the work statistics, specifically in the sup ly room? In the clothing supply room?

A Yes, that is also correct.

Q Isn't it a fact that after the middle of 1944 the work allocation leader was a second lieutenant Kurz and later on a first lieutenant Sell?

A I have heard these names but I don't know to what extent they were employed there and what their functions were.

Q Isn't it a fact that youthful prisoners over the age of 16 were permitted to learn a trade in the camp?

A I can't say anything about this. I have no knowledge about it.

DOCTOR AHEIMER: That is all.

QUESTIONS BY DEFENSE COUNSEL:

Q Isn't it a fact that beer was also sold in the canteen?

A Yes.

Q Now when you said that you got a certain number of kegs of this lemonade or cherry or soda pop or whatever it was did you mean by that that those were kegs of the powder from which this drink was made?

A No, the lemonade was in kegs.

Q How about the other drinks that were made. Were they in powder form?

A No, the beer was--they first had beer when I was in the bunker.

Q Isn't it a fact that these articles which were given to you from the packages to make soup for the prisoners which was distributed free, is it not so that these materials came from undeliverable packages?

A That is possible.

Q Isn't it a fact that these mercy shots which Moeser gave to people who were hanged were fired on people who were already dead from the hanging?

A Also that is possible.

Q From where you were observing these mercy shots could you see any signs of life on the bodies upon which he fired?

A The distance was too great.

Q On this transport, this cart that was full of canned goods and schnapps and other eating materials, where did that come from?

A That was already loaded on in Dera, and then reloaded at the last station before we started on the foot march.

Q Were any of those goods distributed to prisoners on the march?

A In Tettenborn, as far as I can remember four men received one tin can.

Q How about during the foot march? Was there any distribution of canned goods made during the foot march?

A As far as I was still on the march, nothing.

Q Did you know whether or not Moeser had his wife along with him on this transport?

A It is unknown to me.

Q Did members of this commando 110 participate in the shooting of prisoners?

A That I did not see.

Q Did you hear it?

A In Tettenborn they were called out again from the railroad car in which I was. They had a conference then and in the following night between 12 and one that is when the shots were fired in the railroad car before ours.

Q By they, do you mean the members of this commando 110, the prisoners who were the members of this commando 110?

A That must be assumed.

Q Now from whom did you hear that Detmers had anything to do with interrogations of prisoners?

(Schulz-cross)

A From my staff sergeant who w s together with me in the canteen and in the bunker from three respectively four prisoners who had been interrogated there.

Q Did any of these people also tell you that the only time that Detmers interrogated prisoners was when the case involved SS men as well?

A No.

Q It is a fact is it not that these sports or exercises which Brinkmann supervised were prescribed by him only for the capos and the block eldests, isn't that so?

A What I saw the first time was that Brinkmann was the responsible one.

Q Yes. Were you the people who had to do the sports? It was just the capos and block eldests, isn't that so?

A Yes.

DEFENSE COUNSEL: No further questions.

CAPTAIN MCGARRY: The prosecution has no further questions.

PRESIDENT: Colonel Benson.

EXAMINATION BY THE COURT

QUESTIONS BY MEMBERS OF THE COURT:

Q You stated that before you started this foot march that the prisoners who could not walk were left behind. Do you know what happened to these prisoners?

A I heard that these prisoners were to be quartered in the town that was near there in the hospital. I heard from the camp eldest, on the other hand, the camp eldest Drung that on order of Moeser the people were to be liquidated there.

Q At the time you issued free soup to the prisoners in the canteen did you also issue any cigarettes and chocolates from undelivered packages?

A Chocolate and cigarettes did not come to the prisoners canteen.

Q Did this food that you say you sold in the canteen make any appreciable difference in the diet of the prisoners?

A One can say that it was not a qualified food, it was not a better food, but rather if I think of these vegetables and salads and the mussels it was very low quality.

Q Was the price of this food reasonable enough that the average prisoner could purchase any of it?

A There were prisoners who received more money or premiums than other prisoners who received less. Whoever had more money could have bought more.

Q Did the average prisoner have sufficient money to buy food in the canteen?

A No.

LAW MEMBER: That is all.

QUESTIONS BY PRESIDENT:

Q How many hours a day was this prisoners' canteen open?

A The prisoners' canteen was open for sales from 7:30 in the morning until shortly before roll call in the evening at 6 o'clock.

Q How many prisoners would come in there at any one time?

A If there was a crowd -- that is, if vegetables were sold -- approximately five to six hundred prisoners were processed. Then, of course, the goods that were there were sold out, and it took days again until we received those things.

Q Did you have something to sell every day or were there days when you had nothing to sell?

A Things that were continuously for sale were washing soap, buttons, and things of that nature, which, however, were not often bought, and beer at the end.

Q. Do you know the reason why Sinen got you out of the bunker and back to the canteen again?

A It is possible that he had sympathy for me.

QUESTION BY COLONEL BURCH:

Q Why were you in the bunker?

A I was denounced by the former prisoner and camp eldest Wiener, who said that schnapps was being produced there, that I was continuously drunk, and that for this reason -- that I was always drunk -- that I beat my men there, I charged too high prices, and that I was getting the advantage of this, and things like that.

PRESIDENT: There are no further questions by the court.

PROSECUTION: May it please the court, one thing.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q On an average of a 30-day month, how many days in the month was there food for sale? Only food -- and give your best estimate of the number of days.

A That was perhaps, in the maximum, 10 days.

Q Did that 10 days average continue throughout the entire time of 1944 and 1945?

A From the Spring of 1944 until almost the end.

Q Now, if a man worked daytime, what chance would he have to buy anything at the canteen?

A I had arranged it so that the block eldest could buy a large amount and that then these people could draw their supplies from the block eldest in the block.

Q So that a prisoner, as I understand you -- and, if I am wrong, correct me -- would have to depend on the block eldest to buy his supplies from the canteen for him?

A Yes, that is correct.

Q What kind of beer was this?

A The beer was drawn from the brewery in Nordhausen and the quality was perhaps something like today.

Q Was it as good as the German beer today?

A It was -- did not contain alcohol.

Q How much beer did you have to sell?

A There were days when I drew 20 kegs of beer, but there were also days on which there were 60 kegs of beer, but the quantity was never sufficient that every prisoner could have received, say, half a liter. A block having 500 inmates, say, received a 100-liter barrel, and it is possible to figure out for oneself how much each person would get. On

the one hand, perhaps a birthday was celebrated, and then six or ten persons drank out one keg while the others were watching. On the other hand, details received special rations of beer on order of Major Foerschner, so I know of two cases where Simon bought additional beer rations for details.

PROSECUTION: Nothing further.

RECROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q Now, were you present when the accused Wiener was selected as camp eldest?

A On the same day when Szymcak and Thomas were relieved of their duties, that same evening Major Foerschner stated in the prisoners' canteen during a conference that a new camp eldest would be appointed. Thereupon Wiener became Camp Eldest One and a certain Bobby became Camp Eldest Two. This second camp eldest only remained there for less than two weeks and then he was relieved. Wiener in the following period was alone as Camp Eldest One.

Q And this appointment of Wiener as camp eldest occurred in the canteen, then, is that right?

A Not directly in the canteen; Major Foerschner at that time only stated that a "green one" would be appointed.

Q He didn't mention Wiener's name, did he?

A No.

Q Were you present at the hanging at which Szymcak and Thomas refused to perform?

A I observed this from the window of the canteen.

Q Is it not a fact that after Thomas and Szymcak refused to perform this hanging, it was actually performed by Fuster, Kuhle, and Schrauer?

A I saw how Peter Schrauer placed the noose around the prisoner

Schefel. The second person to be executed was a Pole or a Russian who was -- who then started to scream and cry; and I believe that it was a camp protection personnel who put the noose around his neck.

Q Neither one of those two hangings was performed by Wiener, is that correct?

A No, Wiener performed hangings later on.

Q Were you present at the official appointment of the camp eldest on the day following Foerschner's announcement in the canteen?

A No.

DEFENSE COUNSEL: No further questions.

PROSECUTION: May the witness by permanently excused?

DEFENSE COUNSEL: If the court please, we want to speak to this witness before he is permanently excused.

PRESIDENT: At this time the witness will be temporarily excused.

(Whereupon the witness was excused and withdrew.)

DEFENSE COUNSEL: We would like to announce for the record that the witness Tadeusz Patzer may be permanently excused, as far as the defense is concerned.

PROSECUTION: May he be permanently excused?

PRESIDENT: Yes, the statement of the defense will be noted in the record and the witness Tadeusz Patzer will be permanently excused.

PROSECUTION: A new witness is to be called. In case the defendants want to rearrange themselves ---

FREDERIC de la COUR, called as a witness by the prosecution, took the stand and being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY CAPTAIN McGARRY:

Q What is your full name?

A Frederic de la Cour.

Q What is your age?

A 51 years old.

Q What is your address?

A Isenstaedt, Thuringia.

Q What is your occupation?

A Merchant -- business man.

Q What is your nationality?

A German.

Q Were you ever an inmate of a concentration camp?

A Yes.

Q Of what concentration camp or camps were you an inmate?

A Buchenwald, Dora, Rottleberode.

Q When were you at Dora?

A To Dora I arrived with the second transport, the second transport from Buchenwald. ---

PRESIDENT: The witness will face the court when answering questions.

A (continued) --- approximately in September.

Q Of what year.

A 1943.

Q And how long did you stay at Dora?

A Until 4 days before the evacuation.

Q When were you at Rottleberode?

A The last 4 days.

Q Now, at Dora, what was your position?

A I was the capo of Hochtief. That was a construction detail. And block eldest.

Q Where was your place of work?

A In the tunnel.

Q What did the prisoners in the tunnel get to drink?

A The prisoners received mineral water. Together with my detail, I received mineral water three times. And this was in cases. Every case contained 50 bottles, and each time I received five cases. Three times five; that is 750 bottles.

Q How many prisoners was the 750 bottles for?

A My detail consisted of 780 prisoners.

Q Did you receive any other mineral water except this 750 bottles?

A No, no mineral water.

Q Mr. de la Cour, I would like you to look around the courtroom and tell me the names of any persons you recognize here.

A Koenig.

PRESIDENT: Well, now, I want the witness to go up to the dock and point directly at the person he is identifying.

A (Indicating.)

CAPTAIN McGARRY: Let the record show that the witness has identified the accused Koenig wearing placard Number 11.

A (Indicating) Buehring.

CAPTAIN McGARRY: Let the record show that the witness has identified the accused Buehring wearing the placard Number 4.

A (Indicating) Moeser.

CAPTAIN McGARRY: Let the record show that the witness has identified the accused Moeser, wearing the placard Number 13.

A (Indicating) Simon.

CAPTAIN McGARRY: Let the record show the witness has identified the accused Simon wearing the placard Number 16.

A (Indicating) Ulbricht.

CAPTAIN McGARRY: Let the record show the witness has identified

the accused Ulbricht wearing the placard Number 17.

A (Indicating) Swiener.

CAPTAIN McGARRY: Let the record show the witness has identified the accused Swiener wearing the placard Number 19.

A (Indicating) Kilian.

CAPTAIN McGARRY: Let the record show the witness has identified the accused Kilian wearing the placard Number 10.

A (Indicating) I know him. He was the executive officer. I don't remember the name. Detmers.

CAPTAIN McGARRY: Let the record show the witness has identified the accused Detmers wearing the placard Number 5.

A (Indicating) Andrae.

CAPTAIN McGARRY: Let the record show the witness has identified the accused Andrae wearing the placard Number 1.

A (Indicating) Jacobi.

CAPTAIN McGARRY: Let the record show the witness has identified the accused Jacobi wearing the placard Number 9.

A (Indicating) Brauny.

CAPTAIN McGARRY: Let the record show the witness has identified the accused Brauny wearing the placard Number 2.

A (Indicating) Brinkmann.

CAPTAIN McGARRY: Let the record show the witness has identified the accused Brinkmann wearing placard Number 3.

PRESIDENT: The court will recess for 20 minutes.

(Whereupon the court recessed at 1000 hours.)

(DE LA COUR-Direct)

(Whereupon the court reconvened at 1025 hours.)

PRESIDENT: The court will come to order.

CAPTAIN MCGARRY: Let the record show that all the members of the court are present; the prosecution and the defense are represented by counsel; all of the accused are present; the reporter and the interpreter are present. The witness, de la Cour at the close of the last session was on direct examination.

PRESIDENT: The witness is reminded he is still un or oath.

FREDERIC DE LA COUR, called as a witness by the prosecution, resumed the stand, and being reminded that he was still under oath, testified further through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q You have identified the accused, Braumy. What can you tell the court about Braumy?

A Braumy was down in the tunnel together with Palko. Palko was an SS man.

Q What was Braumy?

A Braumy was also an SS man, but I can't state his rank—I never worried about a rank. I met Palko and Braumy in front of Block 1 and 2. There was sort of a small room in front of them, and I found them there as Palko was beating a prisoner from my detail on order of Braumy. Palko was beating the prisoner with the handle of a shovel and he beat him so long that I had to intervene and I went to Braumy and told him that this prisoner had to be put to bed. Thereupon I went up to Braumy and Braumy hit me in the face and kicked me with his feet. Thereupon I withdrew. The next day we had to take this prisoner, who was either a Frenchman or a Pole, I don't remember, which, to the dispensary.

Q Continue.

A The prisoner never returned to my detail.

Q Do you know what happened to that prisoner?

A Well, if he didn't return to the detail, he must have definitely died.

Q What can you tell the court about the accused, Buehring?

A I was the block eldest and we had roll call and Buehring came along and pulled out my block barber who was a Russian by the name of Nikolai. This Nikolai then came into the bunker and several days later I happened to see how this Nikolai was taken to the tunnel with a gag in his mouth. He wasn't taken down there alone, however. There were about 15 to 20 other comrades who were also being escorted down to the tunnel.

Q Why did Buehring arrest this Russian, if you know?

A Because his name was Nikolai, and at that time there was this Russian affair. And Buehring was a coworker of Sander, and that is why he performed all these duties.

Q Who was Sander?

A Sander was the head of the Security Service. Everybody was afraid of Sander in the camp. Sander was Security Service.

Q Do you know anything further about this Russian?

A I was told later because I was the block eldest, this was two days later, that I was to take him off the list because he was dead. And comrades of mine who were also working in the tunnel confirmed the fact that he had been hung in the tunnel. The Russian had no political affiliations whatsoever; he was a very quiet man in my block. He never paid attention to any other comrade or anything else; he only performed his duty.

Q What do you know about the accused, Jacobi?

A Jacobi was from the German equipment work, DAW, and we as block eldests had received an empty block and we had to do some organising. And in order to hide our bread and to lock up our things and so on, and we had organised some boards and had constructed a closet. Jacobi often came

through the blocks, and if he saw any kind of furniture which had been constructed, for instance, a desk or a closet, or something like that, he would ask the block eldest about this and beat him. The block eldest then had to tear these objects apart, rather they had to take them apart and then take them back to where they had gotten them.

Q How often did that happen?

A That happened very often. Every block eldest was afraid of Jacobi when he went through the columns.

CAPTAIN MCCARRY: The prosecution has no further questions.

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q It is true, is it not that in addition to the mineral water you received tea and rum in the tunnels from time to time?

A Yes. This tea and rum was a comical mixture. It wasn't good for much, but this tea and rum was supposedly a substitute for the coffee which we were to receive on our rations.

Q Do you mean by that that when you received the tea and rum you did not get your ration of coffee?

A Yes. Well, that was logical because the kitchen couldn't cook so much that we would receive coffee in addition.

Q Was not lemonade distributed at some times in the tunnel?

A No. It was possible once to buy some lemonade in the canteen, but that was very, very small. It wasn't possible that every individual prisoner could receive something there.

Q How do you know that this man Palko had received orders from Braun to beat this Frenchman or Pole?

A Because I heard it personally from Braun.

Q Do you mean by that that Braun told you about it at a later time?

A Not personally, but as I approached I heard Braun say "Give him, give him", and there Braun was giving Palko orders because in rank Braun was higher than Palko.

Q Now, why did you feel that it would do any good then to go to Brauny and request or complain about this beating if you knew and had heard Brauny give the orders to do it?

A No, because I knew that this prisoner who was from my detail had gone to the detail, the dispensary, the prisoners' dispensary immediately after the morning roll call and had received a slip there that he could go to bed.

Q Well, if he had received this slip that he could go to bed, why did you have to go to Brauny?

A No, that is misunderstood. The prisoner who was been beaten had gone to the prisoners' dispensary and had there received a slip which said he should go to bed.

Q Didn't you testify that you had gone to Brauny afterwards and complained about this beating which Falko had given this prisoner?

A I have only said that I later went to Brauny and that I said that the prisoner was supposed to be in bed.

Q But if he had received a slip excusing him from work, why was it necessary for you to go to Brauny?

A How?

Q Well, you testified that the prisoner that was beaten had gone to the dispensary and got a slip to permit him to go to bed or excusing him from work. Wasn't that enough or did you still have to go to Brauny in addition to that?

A No. Brauny and Falko were going through the tunnel and during this time they beat this prisoner in front of Block 1 and 2.

Q How long after this man was beaten did he apply to go into the dispensary?

A We had to take him there immediately the next day. That was down in the tunnel where this happened and we had to take him up above to the camp where the dispensary was.

Q Now, why did you feel that it would do any good then to go to Brauny and request or complain about this beating if you knew and had heard Brauny give the orders to do it?

A No, because I knew that this prisoner who was from my detail had gone to the detail, the dispensary, the prisoners' dispensary immediately after the morning roll call and had received a slip there that he could go to bed.

Q Well, if he had received this slip that he could go to bed, why did you have to go to Brauny?

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Q Didn't you testify that you had gone to Brauny afterwards and complained about this beating which Palko had given this prisoner?

A I have only said that I later went to Brauny and that I said that the prisoner was supposed to be in bed.

Q But if he had received a slip excusing him from work, why was it necessary for you to go to Brauny?

A How?

Q Well, you testified that the prisoner that was beaten had gone to the dispensary and got a slip to permit him to go to bed or excusing him from work. Wasn't that enough or did you still have to go to Brauny in addition to that?

A No. Brauny and Palko were going through the tunnel and during this time they beat this prisoner in front of Block 1 and 2.

Q How long after this man was beaten did he apply to go into the dispensary?

A We had to take him there immediately the next day. That was down in the tunnel where this happened and we had to take him up above to the camp where the dispensary was.

Q And you did that the following day, is that correct?

A Yes, because immediately after the beating the prisoner didn't feel any particular pain but the next morning he had a fever and I was well and I was at work.

Q How do you know that he had a fever?

A Because I touched him.

Q Did he get the fever from the beating?

A That helped. He was already ill; he was weak already.

Q Do you know what he was ill from?

A No, that I don't know. He was weak.

Q Now, when did you go up to Brauny and say that this man could not go to work and should be in bed?

A As he was being beaten.

Q You say you never saw this man again, is that correct?

A No, I never saw him again.

Q You also said that from that you concluded that he must have died?

A Yes.

Q He may have been transferred, is that not so?

A Where to?

Q To another camp.

A If he was so sick and so weak I don't believe that was possible, but in any case I assume that as a consequence of this beating that he died.

Q That is just an assumption on your part, is that correct?

A Yes, because I do not have a confirmation of this.

Q This man, Nikolai, whom Buehring arrested, was that Nikolai Betrenko?

A I don't know his last name.

Q He was a member of the resistance movement, was he not?

A This young man, this Russian, he was a very quiet person. He had no contact with anybody. He only did his work. He was the block barber.

Q Were you a member of the resistance movement yourself?

A No.

Q How would you know then that this Russian was not a member of the resistance movement?

A Well, now look. If somebody is together with somebody else every day one knows then if this person goes away sometimes, if he has friends.

Q Was Nikolai arrested at the same time that several other Russians were arrested?

A Yes, Yes. That was the Russian affair.

Q What do you mean by the "Russian affair"?

A That was that where this rebellion occurred, this organization.

Q What did Buenring have to do with his having been hanged afterward?

A I only know this much that Buenring got him from my detail from my block.

Q You don't know that he had anything to do with hanging, is that right?

A Well, he was a coworker of Sander and Sander instigated all this.

Q Were you present at the hanging of this Russian, Nikolai?

A No, but I saw how he was escorted from the bunker down below with a gag in his mouth. That means the same as if, well, now he is going to be hanged.

Q And do you know where he was taken?

A To the tunnel.

Q Were other Russians taken into the tunnel at the same time?

A Yes, Russians, Poles, and Frenchmen, altogether approximately 20 prisoners.

Q You cannot say with certainty that Nikolai was not a member of this resistance movement, can you?

A I can almost state it with 75 percent certainty because I as the block eldest saw this prisoner in the block all the time.

Q Did you know any of the other members of the resistance movement--, of the Russian members of the resistance movement?

A About this resistance movement in general we knew nothing in the camp until it exploded.

Q So you didn't know any of the Russian members of the resistance movement until after the investigation took place, is that right?

A Yes.

Q So isn't it a fact that this furniture which was in the blocks and which Jacobi objected to was made from wood which was stolen out of Jacobi's warehouse carpenter storeroom?

A To this I would like to state that the camp had issued prizes for those block elderts who had the best block. For this purpose we didn't receive any material, but it was always said "organized".

Q By "organized", you mean "obtained in an underhand manner", is that right?

A Yes. For the most part the SS people did some organizing.

Q Did the prisoners do some organizing, too?

A Yes, but only that which we needed very badly.

Q And this furniture that was objected to by Jacobi, that was organized, too, was it not?

A That was organized but I would like to make the following explanation. Well, now, I would like to make this statement that if I as the block eldest received 40 loaves of bread and I had no closet, no cubboard or any place where I could lock this up, and if two loaves of bread would disappear, I would be held responsible for that. As a result of this I had to organize boards or something else.

DEFENSE COUNSEL: We have no further questions.

CAPTAIN MCGARRY: The prosecution has no further questions.

PRESIDENT: Colonel Benson.

EXAMINATION BY THE COURT

QUESTIONS BY MEMBERS OF THE COURT:

Q You stated that during your period in the tunnel that you received 750 bottles of mineral water. Over what period was this--over what period of time?

A That was approximately one year during the time that I was a capo in the tunnel--approximately.

Q Were you ever beaten by Jacobi?

A Yes.

Q How many times?

A That I can't say--two or three times certainly.

Q How many blows did he strike you at each beating?

A I received slaps in the face.

PRESIDENT: Colonel Thomas.

Q How often did you receive free soup in the canteen?

A Soup free? I received for the commando, for the detail from the things that were stolen from the packages three or four times, I can't say exactly how often, but I never received enough for the entire detail.

Q How many times were you able to purchase vegetable salad in the canteen?

A Well, this vegetable salad, that was such a funny beet salad--sometimes it was red and sometimes it was yellow--that could be both now and then.

Q As block eldest did you ever purchase any for the people in your block who worked in the night shift?

A Yes.

Q How often?

A According to requirements--when the prisoners were interested in it.

Q Were you ever able to purchase lemonade in the canteen?

A I can remember one single time but we received such a small amount.

Q How about cherry lemonade or cherryade rather?

A I never saw that.

LIEUTENANT COLONEL THOMAS: That is all.

PRESIDENT: There are no further questions by the court.

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q Did it ever happen that some of your rations or food which you were supposed to receive in the tunnel was reduced due to the fact that the Russian prisoners would attack the food carriers?

A Yes, that happened, but that, it was caused by the fact that the food which was received was not sufficient that everybody would have sufficient.

Q But it is a fact, is it not, that in many occasions the prisoners failed to receive even their standard food rations because the food carriers were attacked and the food stolen. Yes, that was in the beginning in the tunnel when everything was all mixed up.

DEFENSE COUNSEL: No further questions.

PROSECUTION: The prosecution has no further questions.

DEFENSE COUNSEL: The defense would like a temporary release for this witness, if it please the court, and we will announce our intentions later.

PRESIDENT: The witness may be excused for the time being.

(Thereupon the witness was excused and withdrew.)

CAPT. McGARRY: The prosecution calls as its next witness Herbert Weiss.

HERBERT WEISS, called as a witness by the prosecution, having been duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY CAPT. McGARRY

Q What is your full name?

A Herbert Weiss.

Q What is your age?

A 35 years old.

Q What is your address?

A Veckenstedt, in the Harz.

Q What is your occupation?

A Locksmith.

Q And what is your nationality?

A German.

Q Were you ever an inmate of a concentration camp?

A Yes.

Q Of what camp, or camps, were you an inmate?

A Sachsenhausen, Buchenwald, and Dora.

Q When did you arrive at Dora?

A In the fall of 1943.

Q And how long did you stay at Dora?

A Until the last transport on which I was, between the 5th and 6th of April.

Q What were your duties at Dora?

A I was for a long period of time in the tunnel; then in January or Christmas of 1945 I was assigned to the SS clothing supply room.

Q May I have that date again when you were assigned to the SS clothing supply room?

A That was Christmas 1945. January. It was cold.

Q If it were in January, do you mean January 1945 or January 1946?

A 1945.

Q Mr. Weiss, I would like you to look around the courtroom and tell me if you can identify any personnel that you have seen at Dora. Will you please approach the prisoners' dock, stand directly in front of the person whom you are identifying, and point at them?

A Helbig.

Q Let the record show that the witness has identified the accused Helbig wearing placard No. 8.

A Andrae.

Q Let the record show that the witness has identified the accused Andrae wearing placard No. 1.

A I know the others, by sight, but I can't say anything further about them.

Q Be seated, please. What was Helbig's position at Dora?

A I know him from the SS. clothing supply room. There he was my superior.

Q What can you tell the court about Helbig, insofar as it concerns the SS clothing store?

A I was a prisoner there and when he entered we all shivered before him. He had a lower rank before that and then he was made SS T/Sgt. in the clothing supply store. I had linen and shoes that I had to take care of, which I later on had to take to the prisoners' supply room, which had been thrown away by the SS, which we later on received as prisoners. I was in the camp very often during the day, because I was a so-called messenger. There were thousands of shirts, underwear, socks, stockings, lying there, pullovers, and so on. These things originated, as far as I know, from Red Cross packages. These were allotted to the SS and they wore them. Helbig was very strict towards us. I was new

there and he was particularly strict toward me. He wanted to beat me twice because I had laid down various pieces of underwear the wrong way, but he did not do so because he was prevented from doing so by other SS people who happened to come along at that time. I was ill and I didn't have any under shirt so I put on an under shirt of my own volition, but I was going to take it off again, I didn't want to steal it, and in the evening there was a control and the SS corporal Lamach caught me. He came from the Sudetenland. I had to take off this undershirt under threats. I begged Lamach not to make a report and if Lamach would have made a report Helbig would have heard about it and I would have immediately gone in the bunker, I am sure.

Q What can you tell the court about Helbig, other than what you observed in the clothing supply room?

A Yes, he is one of the last went on a transport from the clothing supply room and we went to Bergen-Belsen. The next morning we had to line up. We Reich Germans. Among others there were Frenchmen and I presume other foreigners. That was on orders of Hoesler, but Helbig was standing there. He also went along. He also went along until airfield Hagenau, the district of Schwerin, under great difficulties. And we were dressed in fliers' uniforms. We didn't receive any weapons, only a pay book containing our personal date. We were approximately 150 men in Bergen-Belsen; in Hagenau approximately 20 men were missing. They must have been lost on the way or liquidated. I can't say. We had five or six SS escorts who I would recognise again but I don't know their names but Helbig I know definitely, because he was my superior. That was a large airplane field. We had to carry together the fliers' bombs, which were to be used for the bombing of cities and so on. We had to defuse these, so that in case the allies would capture them they couldn't use them, because the Allies were already in the vicinity. We carried these bombs together under great difficulties and also had losses thereby. Until the last day in the morning Helbig sent us out again under

fire. He disappeared, dressed in prisoners' clothing. That I saw.

Q What were these losses you are speaking about?

A At the end I met four other men. We were all together five men in an assembly camp.

Q You stated in your previous answer that losses occurred during this work. Will you please tell me just what these losses were? What you meant by it?

A Losses would be that somebody did not return again. What happened to him I don't know, because we were sent out in shifts, 20 men there and 20 men there, until the end, and toward the end we had to take these bombs which were heaped together and make them explode. When I saw this I was standing a little ways away and the explosion occurred then and I personally saw how prisoners were flying in the air, together with this explosion.

Q Do you know how many prisoners were killed by this explosion?

A That I can't say exactly. We were five men altogether; we made together.

Q Who gave the order for the prisoners to wear the aircorps uniform?

A That I don't know. The order came from Helbig.

Q How long did this work continue at this airfield?

A Approximately ten or twelve days.

Q And how many prisoners remained at the end of the ten or twelve days of the 150 prisoners who were sent to this air base?

A When the last explosion occurred I ran back into the arms of the allies. It was the Americans and we were taken to an assembly camp and I met the four other prisoners who had been at this airplane field.

Q Do you know if any of these prisoners had any training in bomb disposal work?

A There were experts among them. There were special workers among them.

Q What is Helbig's connection with this incident that you have just described?

A He was our last superior there, the other people were gone already.

Q Was he there at the time these bombs exploded?

A Yes.

Q Is there anything further you have to tell the court about this incident?

A No, I can't describe it any different than I have described it.

CAPT. McGARRY: The prosecution has no further questions.

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL

Q Do you know where Helbig had his office in Camp Dora?

A He had it above the SS clothing supply room.

Q And the SS clothing supply room was outside of the protective custody camp; is that right?

A Yes.

Q How do you know that some of this clothing which was distributed to the SS came from Red Cross packages?

A Well, they came down from the post office and this type of shirt did not exist in Germany at all.

Q Did they come in the packages or did the shirts come unwrapped?

A They were taken to the post office in wagons and then they came to us unwrapped.

Q You did not see them being taken out of the packages, is that correct?

A No.

Q How do you know, then, that they were Red Cross packages?

A Because we didn't have that kind of shirts and they were

(Weiss - dross)

French shirts and I personally saw prisoners wear these shirts.

Q Could they have come from packages sent to prisoners, rather than Red Cross packages? By that I mean, packages sent to prisoners by private individuals or by families rather than by the Red Cross?

A No, that was not possible; they came from the Frenchmen.

Q Now isn't it a fact that an order existed in the clothing supply that all clothing which came from undeliverable packages would be distributed to prisoners?

A No, it was only distributed to the SS.

Q Did you work in the prisoners' clothing store?

A No, in the SS clothing store.

Q Did you see the stocks and the distribution that was made in the prisoners' clothing supply?

A Yes, I saw that.

Q On what occasion?

A Because I was a messenger. I also had to go to the prisoners' supply.

Q And did you enter the part of the prisoners' supply where the stocks were kept?

A Yes.

Q Did you not see there some of these shirts which came from packages, presumably?

A That I can't say. I had to get good shirts. They could have come from Red Cross packages or perhaps from private sources.

Q When did Halbig arrive in Dora?

A That I cannot say.

Q Was he already there when you reported for work?

A Yes.

Q When was he promoted to oberscharfuehrer?

A That I can't say.

Q Was he an oberscharfuehrer already when you arrived for work?

A Yes.

Q Now you testified that you left Dora on a transport. On what day didthis transport leave?

A On the fifth or sixth of April, 1945.

Q Who was the commander of this transport?

A That I can't say--to Bergen-Belsen.

Q Did that transport consist of a motor transport or was it on a railroad?

A We were brought by motor vehicle from the SS clothing supply room to the depot.

Q To which depot?

A I don't know if it is called Ellrich. The next depot nearest to the camp.

Q Where did you board a train?

A Yes.

Q Was Helbig with you or did you see Helbig in that part of the transport between Dora and the bahnhof, the station?

A No.

Q Did you see Helbig on the train?

A No.

Q Where did you see Helbig again for the first time after youleft Dora?

A In Bergen-Belsen.

Q When did you arrive at Bergen-Belsen?

A On the 14th or 15th of April.

Q Do you mean by that that it took you from the 6th of April until the 14 or 15th of April to get by railroad to Bergen-Belsen, is that right?

A Yes. Not by Railroad. We went many spots on foot.

Q You don't know who the leader of that transport was?

A No.

Q Did you know any of the SS men or officers or guards on that transport?

A I saw him but I didn't see any here. I don't remember their names. I wasn't interested in them because we had very many difficulties on this transport.

Q Can you name any of the SS officers or leaders on that transport?

A I was at the end of the entire transport because that was always the prisoners from the clothing supply room until a short period of time Lamrat was also present. Also many from the SS clothing supply room but I can't remember their names.

Q These hundred and fifty prisoners which you say you were a part of who participated in this bomb disposal; did this incident occur after you had arrived at Belsen?

A Yes, a few hours later.

Q Isn't it a fact that Bergen-Belsen was liberated on the 15th by the British?

A Then it was the day before. The next day I heard that the allies were coming.

Q Where did you go with these other hundred and fifty prisoners from Bergen-Belsen?

A We went to the airplane field Haganau.

Q How far from Bergen-Belsen was Haganau?

A Three or four days. I can't remember anymore.

Q Do you know how far it was in kilometers?

A No. One had to cross the Elbe.

Q Where did you first see Holbig after you arrived at Bergen-Belsen?

A He was standing next to Hoerster who had us lined up.

Q That was, you say, on the 14th of April, is that correct?

A One day before the liberation in Bergen-Belsen, if I remember it was on a Saturday.

Q Did Helbig accompany these hundred and fifty prisoners with whom you were?

A Yes.

Q Did you see him at that time?

A Yes.

Q On often on this three days or four days journey to Haganau did you see Helbig?

A Almost every day.

Q How long did you remain at Haganow--until what date?

A The date I can't state exactly.

Q Approximately how long did you do this bomb disposal work you spoke of?

A It must have been 10 to 14 days.

DEFENSE COUNSEL: If it please the court, I would like to make a motion to strike this witness's testimony, the entire testimony relating to the accused Helbig on the ground that all the incidents referred to there occurred a substantial period of time after the transport from Dora had arrived at Belsen. No testimony has been given by this witness that any prisoners from Dora were on this second transport. This second transport was disconnected in time and place from the operation at Dora and therefore is not covered by the charge sheet and the new transport originating at Belsen had nothing to do with any operation from Dora.

I would like to add, if it please the court, that I have information that the Bergen-Belsen case was tried in the British courts. These transports were all gone into at great detail and great length. One of these accused was a defendant in that case, not the accused Helbig but another one. The whole matter has been covered and thoroughly thrashed out by other courts--the Belsen operation.

CAPTAIN MCCARTY: If it please the court I believe the witness stated that these hundred fifty prisoners were picked from Dora. He has mentioned that Helbig was the last superior officer left in charge of these men. He hasn't stated in anyway that this particular detail was sent out by anyone other than persons connected with the Concentration Camp Dora.

DEFENSE COUNSEL: Well now, if it please the court, I think the court can take judicial notice of the fact that the Bergen-Belsen camp was a separate camp. It had its own administration and operations. These prisoners, once they were taken into this camp certainly lost their individual identity as being Dora prisoners and became members of the Belsen Concentration Camp and that any transport ordered out of that camp were undoubtedly ordered by the Belsen administration and not by the Dora administration which was entirely scattered all over Germany at that time. It was no longer operating as any common design or any possible charge that is covered in this charge sheet. This whole incident is too remote in time and place to be covered with the charges against these accused. If the court allows this to remain this can go on forever. You can trace these prisoners up to the present time and perhaps one of the former SS men at Dora beat a former Dora prisoner at Munich and then he will be tried for that. It is too remote.

PRESIDENT: The motion of the defense is overruled.

DEFENSE COUNSEL: If it please the court, that means that we are going to have to go and get witnesses on this other transport leaving Belsen. We are going to have to go into proof in this matter. We are not prepared to answer these charges and this charge has caught us entirely by surprise. We have been surprised by this testimony and have not had occasion to prepare for it in any way. This charge sheet covers operations at Dora

and not Bergen-Belsen. The charge sheet---

CAPTAIN MCGARRY: The defense certainly hasn't been surprised as to the time element. I believe the dates were from--I forget the beginning date. I believe it was up until June 6, 1945. I would like to correct that to the 8th of May, 1945.

DEFENSE COUNSEL: If it please the court, almost---

CAPTAIN MCGARRY: The defense has not shown in any way that any of these transports that did arrive at Bergen-Belsen came under the administration of the authorities at Bergen-Belsen. All the testimony of this entire case shows that in these days of the war that it was such a mess that the chances are that they would still be under the immediate administration of the SS personnel from Dora. If they were not it is up to the defense to show that they are under the administration of Bergen-Belsen and not of Dora.

DEFENSE COUNSEL: We have no particular objection to defending the charges by this witness, if it please the court. We can do it but this inquiry has to be narrowed down to some point. The purpose in drawing up a charge sheet is to narrow the inquiry down to certain specific limits as to time and place. As I read the charges they are very clear. They say, after naming the accused "during various periods between the 1st of June 1943 and the 8th of May, 1945 at or in the vicinity of Nordhausen, Germany, acting in pursuance of a common design to commit the acts hereinafter alleged, did wrongfully encourage, aid, abet and participate in the operation of Nordhausen Concentration Camp, also known as Dora Labor Camp and as Mittelbau Concentration Camp, and its subcamps and out-details, etc, etc., etc.,.

I don't think that even by the remotest stretch of the imagination could a transport leaving Bergen-Belsen after the Dora Camp had been disbanded and transports sent out possibly could come under this definition of aiding and abetting in operation of Nordhausen Concentration Camp or its outcamps.

I respectfully request reconsideration of the defenses motion at this time.

PRESIDENT: The court will be closed.

(Whereupon the court closed at 1145 hours.)

AFTERNOON SESSION

(Whereupon the court was opened at 1330 hours.)

PRESIDENT: The court is opened.

CAPTAIN McCARRY: Let the record show that all members of the court are present, the prosecution and defense are represented by counsel, all of the accused are present, the interpreter and reporter are present.

The witness Weiss is on cross examination, and at the close of the last session the court has a motion pending before it.

PRESIDENT: The court has further considered the motion of the defense and the court will grant the defense' motion so far as it relates to the testimony of the witness Weiss about the transport which left Bergen-Belsen to go to an airfield near Hanau, and that part of the testimony of the witness Weiss relating to the transport after it left Bergen-Belsen will be stricken.

HERBERT WEISS, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, continued to testify through an interpreter as follows:

CROSS EXAMINATION (continued)

QUESTIONS BY DEFENSE COUNSEL:

Q Did you know the accused Simon when you were in Camp Dora?

A I knew him by sight.

(Off the record discussion)

DEFENSE COUNSEL: May I make a motion to strike my last question, then.

PRESIDENT: The motion of the defense is granted.

(Off the record discussion)

DEFENSE COUNSEL: My motion to strike my own question was granted, I believe.

PRESIDENT: Right.

Q Now, you were in a position, were you not, to observe the con-

dition of the prisoners' clothing prior to your service in the clothing supply room?

A I was working where the SS clothing was, and civilian -- those which came from the Red Cross.

Q Well, I am speaking now of the general clothing situation, as far as all the prisoners in the camp were concerned, prior to your commencing to work in the clothing supply?

A The prisoners' clothing supply store was full of clothing.

Q Well, did the clothing which was issued to the prisoners after November or December of 1944 improve? In other words, was more clothing issued to the prisoners after that time than before that period?

A No.

Q You can not say, then -- is it correct? -- that the general clothing of the prisoners was improved after December of 1944?

A No, it did not improve. On the contrary, it became worse. I did not receive my own things either. They came to the SS supply store, and it all came from Buchenwald.

Q Well, I am speaking now of the clothing which was stocked in the prisoners' clothing supply store. Is it not true that more of it was issued to the prisoners after December 1944 than before that time?

A I did not receive any.

Q Well, I am not speaking about you personally. I am speaking about the clothing issued to the prisoners in general.

A In general, they didn't receive any either.

DEFENSE COUNSEL: No further questions.

CAPTAIN McCARRY: The prosecution has no further questions.

PRESIDENT: Colonel Benson.

EXAMINATION BY THE COURT

QUESTIONS BY COLONEL BENSON:

Q Do you know whether or not any clothing were left in the

clothing warehouse when the Dora camp was evacuated?

A On the day of the evacuation when we left the prisoners went into the clothing supply warehouse and they stepped with their feet on the clothing. They kicked it around.

Q You also stated that members that worked in the SS supply room shivered before Welbig. Why was that?

INTERPRETER ROLAND CARROLL: I didn't get that question.

Q You also stated that the prisoners that worked in the S supply room shivered before Welbig.

A He was, so to say, a brutal person. They were afraid of him.

QUESTIONS BY COLONEL TRACY:

Q How was it the prisoners were able to go in on the last day and kick the clothing around? Weren't the SS guards on duty there?

A Some of the SS men had already taken off. I was with the last detail -- the clothing supply store detail -- and we had still to draw bread. The SS men were trembling more than we did.

Q In other words, the situation was more or less out of control at that time?

A Yes.

PRESIDENT: There are no further questions by the court.

RECROSS EXAMINATION

QUESTION BY DEFENSE COUNSEL:

Q Do you know when the last shipment of clothing was received at Dora?

A No, I don't.

DEFENSE COUNSEL: No further questions by the defense.

CAPTAIN McCARRY: The prosecution has no further questions. May this witness be permanently excused?

DEFENSE COUNSEL: We have no objections.

PRESIDENT: The witness may be permanently excused.

(Whereupon the witness was excused and withdrew.)

CAPTAIN McGARRY: The prosecution calls as its next witness Willi Burgdorf.

WILLI BURGDORF, called as a witness by the prosecution, took the stand and being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY CAPTAIN McGARRY:

Q What is your full name?

A Burgdorf, Willi.

Q Where do you reside?

A In Marseilles, France. Now I am temporarily in Germany.

Q What is your address?

A Marseilles, Paradise 284.

Q What is your age?

A 43.

Q Your occupation?

A Merchant.

Q Your nationality?

A Stateless.

Q Were you ever an inmate of a concentration camp?

A Yes.

Q Of which camp or camps were you an inmate?

A I was at first in April '42 in Buchenwald. Until the Fall of '42 I was in Buchenwald and then I came to Neuengamme, and from Neuengamme I came back to Buchenwald, and from Buchenwald to Dora.

Q When did you come to Dora?

A In September '43.

Q How long did you stay at Dora?

A 'ntil the end.

Q What month and what year was that?

A April '45.

Q Mr. Burgdorf, will you stand up and approach the accused' dock and point out to the court those who you recognize. Point directly at them and give their names.

A Yes. (Indicating) This is the former camp leader Moeser.

CAPTAIN McGARRY: Let the record show that the witness has identified the accused Moeser wearing placard Number 13.

If the court please, just a moment.

Q Mr. Burgdorf, do you wear glasses?

A Yes.

Q Would you please put them on?

A Only when I read or when I want to see something very closely. I broke them.

(Indicating) I believe this is Mr. Brinkmann.

CAPTAIN McGARRY: Let the record indicate the witness has identified the accused Brinkmann wearing the placard Number 3.

A (Indicating) Mr. Moeser. No, no, Mr. Simon.

CAPTAIN McGARRY: Let the record indicate that the witness has identified the accused Simon wearing placard Number 16.

A (Indicating) This is Wiener, who for a short time was camp eldest.

CAPTAIN McGARRY: Let the record indicate that the witness has identified the accused Wiener wearing placard Number 19.

A (Indicating) This is, I believe, Mr. Andrae.

CAPTAIN McGARRY: Let the record indicate that the witness has identified the accused Andrae wearing the placard Number 1.

A (Indicating) This is Mr. Welbig.

CAPTAIN McGARRY: Let the record indicate that the witness has identified the accused Helbig. ---

A (Indicating) Kilian.

CAPTAIN McGARRY: Just a moment, please.

Let the record indicate that the witness has identified the accused Helbig wearing the placard Number 8.

Let the record indicate that the witness has identified the accused Kilian wearing the placard Number 10.

A (Indicating) This is Brauny.

CAPTAIN McGARRY: Let the record indicate that the witness has identified the accused Brauny wearing placard Number 2.

Take your seat.

Q What can you tell the court about the accused Simon?

A In the beginning I saw that Simon was beating the prisoners very severely and at another occasion I saw him in the Labor Statistics Office. That was already in 1900; that was towards the end.

Q Would you please repeat the year?

A It was already 1945, and on that occasion there were several prisoners standing in the Labor Statistics Office. They had reported sick -- I don't know; they were all lined up in the hall; and at that occasion he hit them. He had a pistol, and I believe he hit them with the pistol butt.

Q How many times did you see Simon beat people?

A There were two occasions on which I witnessed it. The one occasion was towards the end of the war, and in the beginning when I came to Dora.

Q On this occasion, did you see Simon beating the people with the pistol?

A Yes, that was in the Labor Statistics Office.

Q How many times did he strike people with t is pistol?

A During the course of a few minutes he may have hit 10 times; he may have hit 15 times; he just kept hitting.

Q Is there anything further you can tell the court about Simon?

A No.

Q What can you tell the court about the accused Brinkmann?

A Brinkmann also during the first time which I spent in Dora beat people indiscriminately, and then I saw towards the end of the war, approximately in February or March '45, at the roll call square when he shot those people who had been hung but who were not quite dead yet. I was standing approximately 8 meters away from there and I knew that they were not dead yet because I saw them still alive.

Q What else can you tell the court about Brinkmann?

A That is all.

Q What can you tell the court about Pelbig?

A All I can say about Pelbig is that I know he was chief of the prisoner supply store as well as of the troop clothing supply store, and that we were refused articles we needed, like articles of clothing, shoes, linen, and so on. We were told that Mr. Pelbig had prohibited to do so and that was the reason that we didn't get anything. I received linen then from a man by the name of Schultz from the SS clothing supply store. That was linen which had been meant for the prisoners and came from Red Cross parcels.

Q Do you know whether or not there was clothing in the prisoners' supply room when you were refused clothing?

A There was lots of it.

Q What can you tell the court about Andrae?

A Andrae was at the post office. He was responsible there. Andrae frequently handed out food and tobacco to people who were either capos or performed services for the SD in camp, security service. That food and tobacco which was given out then was all of American origin, and that also came in the Red Cross parcels which most of the time was meant for the Frenchmen, Belgians, and Dutchmen.

Q Do you know if there was any clothing in these Red Cross packages that were sent to the post office?

A Yes. In the late fall or winter of '44 lots of underwear was in those packages, also socks and other articles of that nature. This stuff also came from the Red Cross packages and also was meant for the Dutchmen, Frenchmen, and Belgians. And Mr. Andrae and his workers, partly prisoners and partly civilians took all that stuff to the SS kasorne. I myself received some of the stuff through another prisoner who was working in the SS clothing supply store.

Q These prisoners of whom you spoke about before that Simon struck with a pistol, did you know why Simon struck the ?

A In my opinion those prisoners who were lined up there either had not showed up for work or they had reported themselves as sic and it was not honored. At any rate, they were to go back to work and that was the reason that they were beaten.

CAPTAIN MCGARRY: The prosecution has no further questions of this witness.

DR. AHSMANN: Cross examination for the accused, Simon.

CROSS EXAMINATION

QUESTIONS BY DR. ALTMANN:

Q When was the first time that you saw the accused, Simon, beat prisoners?

A That was around '44, either in the beginning of '44 or at the end of '43.

Q And where was it at that time?

A At the entrance to the tunnel.

Q And what was the cause for the beating?

A There was no cause at all.

Q What did you have to do at that time at the entrance to the tunnel?

A We returned from the roll call square to the tunnel.

Q And where was Simon at that time?

A He was outside in front of the tunnel.

Q Did it happen that at that time a column of prisoners was marching into the tunnel?

A There were thousands of them.

Q And you say that during that marching into the tunnel you saw Simon beat the prisoners?

A Yes.

Q With what?

A With anything which happened to get into his hands. There were boards and sticks which they used to load stuff into the boxcars.

Q Do you want to say, Mr. Burgdorf, that Simon started to beat prisoners while they were marching into the tunnel without any cause whatsoever?

A Yes. They didn't march fast enough or maybe Simon thought they didn't march fast enough. After all, those SS men they were beating as if those men had been a heard of sheep.

Q And how often did you observe this at that time?

A I know for sure that I saw it once. I may have seen it 2 or 3 times also.

Q Was Simon by himself or with others standing with him?

A They did not stand immediately next to Simon, they were situated somewhere else, and they were beating up people there.

Q How many prisoners were in the group which was beaten with the pistol butt while they were standing in front of the labor statistics office by Simon?

A There may have been 10 to 15 prisoners standing there.

Q And Simon beat all 10 to 15 or only part of them?

A After all, I could not stop there and stand around and watch while he is beating them, I just passed by and saw that he was beating them. That is all.

Q How long did you have an opportunity to watch this?

A Perhaps one minute, perhaps two minutes, perhaps three minutes.

Q How far were you from the prisoners who were beaten?

A I passed by.

Q Do you want to say that you passed immediately by the prisoners?

A Yes.

Q What did Simon say when he beat the prisoners, if anything?

A He called them names.

Q And in your opinion the reason for that was that the prisoners had attracted attention or did not show up for work?

A Yes. I may have talked to others about this. As far as I remember, those people were beaten because they had reported sick and that was not honored. It was thought that they just wanted to goof off, and this is why they were beaten.

Q Wasn't it a fact that anybody who tried to dodge work was punished more severely in Dora?

A One was luckier than the other one who was punished more severely than the other men.

Q Did the prisoners who were beaten give any kind of signs of pain?

A They surely did.

Q In what way?

A When they moaned and cried and shouted. After all, this is audible.

Q Did the prisoners after they had been beaten fall to the ground?

A I did not see that they fell to the ground. I did not see that. They were twisting and turning in order to evade the blows.

DR. AHSLMSR: No further questions.

DR. REMMSR: Cross examination for the accused, Andrae.

QUESTIONS BY DR. REMMSR:

Q Isn't it a fact that in Dora tobacco and food was issued only with an authorization given by somebody superior?

A As far as I know Mr. Moser wrote out slips for authorizations and that person could receive packages from Andrae.

Q How do you know that that food was of American origin?

A Because I saw that written on the cans. There was a book binder who slept with me and he had something like that.

Q You mean to say that book binder did receive food from these packages?

A Yes.

Q Was that book binder a foreigner?

A He was an Austrian.

Q Wasn't an Austrian considered at that time a German?

A Yes, I believe so.

Q Then the prisoners did receive that stuff from the packages, didn't they?

A Yes.

Q You have spoken about the clothing which was in those parcels. Now, isn't it a fact that the clothing which was contained in those packages was to be taken to the prisoners' clothing supply store by order of the superiors?

A The linen at any rate was nev r received by any prisoner. The linen was in the clothing supply store of the SS.

Q Did you know the orders which the post office had in reference to censoring packages?

A I know that they opened the packages in order to see what the contents were in order to see that no liquor or other prohibited articles would be smuggled in.

Q Do you also know what kind of regulations or orders were issued in reference to the use to which the contents of packages had to be put to use?

A No.

Q Did you come into contact with prisoners who were working in the post office?

A No.

A No.

DR. RENNER: No further questions.

QUESTIONS BY DEFENSE COUNSEL:

Q Where was your place of duty during the time you were at Dora?

A At first I was in the tunnel in the office. Later on I was in the SS kitchen, and from January '45 until the end I was in the library.

Q You mean there was a library at Dora?

A Yes. It was established at the end of '44.

Q Did you ever hear the accused, Helbig, give orders prohibiting the issue of clothing?

A I heard this in the prisoners' clothing supply store. The capo who worked there, the prisoners who worked there, and the other employees told me, they said that the boss had prohibited to issue any kind of supplies; at the time this was frozen, but that was frozen continuously.

Q What time of the year was it when you heard that?

A That was also in the winter from '44 to '45.

Q Would you recall whether that was before or after Christmas?

A After Christmas.

Q Isn't it a fact that the boss of the prisoners' clothing supply was a Sergeant Zolling?

A Yes. Zmert was also a great big fat guy, but I don't know his name.

Q You personally did not hear Zolbig issue orders forbidding the issue of clothing, is that correct?

A No.

Q Isn't it a fact that there was an exchange of clothing in the supply room every day? Or issue?

A At any rate I didn't get any and none of my friends either.

Q Well, you got some from a friend of yours in the S.. clothing supply room, didn't you?

A Yes.

Q So, therefore, you didn't need any, did you?

A That wasn't a complete set of clothing, after all. That was a shirt, a pair of drawers, and a pair of socks, and after all you have to consider that this gets dirty, too.

Q Did you hear in case of a Captain Brennels?

A Yes.

Q And isn't it a fact that he was the supply officer for the camp?

A Brennels was not really responsible for clothing, he was responsible for almost anything. He walked around the camp and he walked into every kind of a warehouse. He seems to have been in charge of the whole supply administration.

Q Isn't it a fact that what you heard from these other prisoners that the boss had frozen these stocks of clothing they meant either Hauptsturmfuehrer Brennels or Hauptscharfuehrer Zolling?

A No. They meant Zolbig as the man who issued those directions.

Helbig was responsible for the clothing. Somebody else was responsible for food, and so on.

Q Was the name "Helbig" actually mentioned, or did they just say "the boss" had forbidden the issue of clothing?

A No. Helbig was meant and it was added that I should try to get Helbig's permission--that was added.

Q Do you know who was in charge of the clothing supply room before Helbig?

A I don't know because at that time I was working in the kitchen and there we always received underwear and everything else.

Q You testified that you saw the accused, Brinkmann, give mercy shots to people who were hanged. Was that in the mass hanging of 1945?

A Yes.

Q Could you be mistaken about the identity of the accused, Simon, as being the man who beat these prisoners with the butt of his pistol in 1945?

A No.

Q Could you be mistaken as to the identity of the accused, Brinkmann, as being the man who gave these mercy shots at this mass hanging of 1945?

A No.

Q Are you just as certain of the identify ot Brinkmann on that occasion as you are of the identify of Simon on the occasion of beating the prisoners with the butt of his pistol?

A Yes.

Q Did you know the accused Brinkmann well in Dora?

A Of course I knew him; I saw him walking around in his grey coat. I saw him there and we were all afraid of him.

Q Did you see him very often in Dora?

A Yes.

Q When was the last time that you saw him in Dora?

A That was in 1945. March or April.

Q Did you see him shortly before he gave these mercy shots at this mass hanging?

A Brinkmann was walking around the rollcall square with Moeser and somebody else.

Q Did you see him anywhere else? The accused Brinkmann, I mean?

A It is completely possible that I did meet him but if nothing particularly happened, then I don't have it right in my mind now.

Q There is testimony before this court that the accused Brinkmann arrived in Ellrich in approximately October of 1944, and remained there until the end and that was April of 1945, when he left with a transport from Ellrich. Can you explain to the court how you could have seen him at this mass hanging in the spring of 1945?

A That has already been told me outside, from other inmates who spoke to me.

Q How can you explain that you saw him at one place when he was at another?

A Well, after all, it is not very far from Ellrich to Dora; he may have returned to Dora.

Q And you say you saw him there shortly before that and shortly

after that; is that right? Shortly before this hanging?

A Yes. I am positive that he was present during the hanging. I remember distinctly that he was wearing a long gray leather coat.

DEFENSE COUNSEL: No further questions.

REDIRECT EXAMINATION

QUESTIONS BY CAPT. McGARRY

Q Mr. Burgdorf, do you recall what SS men were present at these mass hangings in 1945?

A Moeser, Brinkmann and I believe also Mr.—to be sure I don't know what his last name is. Some people said it was Hoesler, some people said it was Baer, and some others said it was Schwartz. I personally do not know.

Q Was this mass hanging any particular occasion?

A These mass hangings were certainly but a special occasion.

Q Do you know whether the SS officials from the outcamps in the Mittelbau of Dora chain were invited to attend this hanging? Do you know that?

A That is completely possible.

CAPT. McGarry: Prosecution has no further questions.

RECROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL

Q When I pointed out to you that other testimony in this court was that Brinkmann was in Ellrich during the period when you were supposed to have seen him in Dora, you said,"Yes, other prisoners have told me this." What did you mean by that? Explain to the court, please.

A I mean by that that they say he was in Ellrich and I say that he was here in Dora.

Q Who are these other former prisoners with whom you have discussed this?

A They are men from Dora, one or two of them, or three of them, whom I met outside when I was here the last time.

Q And when was the last time you were here?

A Five weeks ago.

CAPT. McGARRY: The prosecution has no further questions.

EXAMINATION BY THE COURT

QUESTIONS BY THE PRESIDENT:

Q This library that you spoke of, was that for the use of the prisoners?

A Yes.

Q How big was it?

A Very small. Perhaps two thousand books.

Q How many prisoners used it?

A 600 to 800 prisoners. Mostly that was indoctrination books from the National Socialist Party and nobody ever read them.

Q What language were they written in?

A Out of two thousand, perhaps 20 were in foreign languages, English and French.

Q Could any prisoners use the library who wanted to?

A Yes.

QUESTIONS BY COL. BIRCH

Q What country were you a citizen of before you became stateless?

A Germany.

QUESTIONS BY COL. BENSON

Q While you were working in the kitchen, did you ever receive any food from the post office?

A No.

Q How many prisoners were hung at this mass hanging where you claim you saw Brinkmann?

A There were three gallows with either five or six hooks each. Each time approximately twenty men came out of the bunkers. They had a piece of wood in their mouths and that was tied in the back of their necks with a wire. There may have been sixty hung on that day. I did not watch there for so long.

CUESTIONS BY COL. THOMAS

Q Did you ever hear of any prisoner receiving any food from these post office packages other than prisoners of German nationality?

A No.

PRESIDENT: There are no further questions by the court.

PROSECUTION: The prosecution has no further questions.

DEFENSE COUNSEL: Defense has no further questions.

CAPT. McGARRY: May I ask at this time that the witness be permanently excused.

PRESIDENT: Does the defense object?

DEFENSE COUNSEL: I would like to talk to the witness during the recess.

PRESIDENT: The witness will be excused now for the time being and announcement will be made later about being permanently excused. The court will recess for fifteen minutes.

(The court recessed at 1445.)

(The court reconvened at 1500 hours.)

PRESIDENT: The court will come to order.

CAPT. McGARRY: Let the record show that all members of the court are present, the prosecution and defense are represented by counsel, all the accused are present, the court reporter and the interpreter are present. The prosecution calls as its next witness Erich Wyglendatz.

ERICH WYGLENDATZ, called as a witness by the prosecution, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY CAPT. McGARRY

Q What is your full name?

A Erich Wyglendatz.

Q What is your age?

A 39.

Q What is your address?

A Enderstadt street, Ober Tor No. 9.

Q What is your occupation?

A Machinist.

Q What is your nationality?

A German.

Q Were you ever an inmate of a concentration camp?

A Yes.

Q Of what camp or camps were you an inmate?

A Sachsenhausen, Buchenwald, Nordhausen, Oranienburg, and Natzweiler.

Q In what camp of Nordhausen were you an inmate?

A In camps Dora and Ellrich.

Q When were you in Dora?

A From November 1943 until the end, and in between I was in Ellrich for three months.

Q When were you in Ellrich?

A From the beginning of May until the 24th of June.

Q What year?

A 1944.

Q Mr. Wyglendatz, will you stand up and approach the accuseds' dock and point to each man whom you recognize, and give his name at that time?

A Moeser. (Indicating.)

Q Let the record show that the witness identified the accused

Moeser, wearing placard No. 13.

A Andrae. (Indicating.)

Q Let the record show the witness has identified the accused Andrae, wearing placard No. 1.

A Brauny. (Indicating.)

Q Let the record show the witness has identified the accused Brauny wearing placard No. 2.

A Zwiener. (Indicating.)

Q Let the record show the witness has identified the accused Zweiner, wearing placard No. 19.

A Jacobi. (Indicating.)

Q Let the record show the witness has identified the accused Jacobi wearing placard No. 9.

A Kilian. (Indicating.)

Q Let the record show the witness has identified the accused Kilian wearing placard No. 10.

A Dettmers. (Indicating.)

Q Let the record show the witness has identified the accused Dettmers wearing placard No. 5.

A Malenta. (Indicating.)

Q Let the record show the witness has identified the accused Malenta wearing placard No. 18.

A Simon. (Indicating.)

Q Let the record show the witness has identified the accused Simon wearing placard No. 16.

A Brinkmann. (Indicating.)

Q Let the record show that the witness has identified the accused Brinkmann, wearing placard No. 3.

A Buehring. (Indicating.)

Q Let the record show the witness has identified the accused Buehr-

(Wyglendatz - direct)

ing wearing placard No. 4.

A Koenig. (Indicating.)

Q Let the record show that the witness has identified the accused Koenig wearing placard No. 11. What can you tell the court about the accused Simon.

A Simon was labor allocation leader in Dora and he also beat prisoners. He sentenced them to be beaten and the Prisoner Schmidtling had to dish out the punishment.

Q Did you ever see Simon beat prisoners?

A Yes.

Q How many times did you see Simon beat prisoners?

A Two or three times he beat and one time he even kicked.

Q How many times did Schmidtling carry out a beating that was ordered by Simon, if you know?

A I myself witnessed it once, because once I was present.

Q What else can you say about Simon?

A The convalescents, for instance, had to line up at the roll call square and he selected some of them for work.

Q How do you know this?

A Because I was there; I have seen it.

Q Is there anything further you can tell the court about Simon?

A No.

Q What can you tell the court about Brauny?

A Brauny was frequently drunk in the tunnel. As a matter of fact, he was drunk most of the time. He beat everybody he happened to get hold of with wooden clubs. With sticks.

How often did Brauny beat people with wooden clubs and sticks?

A Almost daily, one could say.

Q Over how long a period of time did these beatings take place? The time in general?

A That was in the tunnel from the beginning of November until approximately April or May. I mean to say April.

Q What years?

A That was in the time between '43 and '44.

Q What can you tell the court about the accused Koenig?

A Koenig also beat the men at the entrance to the tunnel and also in the motor pool.

Q Did you ever see Koenig beat inmates yourself?

A Yes, I saw that three or four times myself.

Q Did you ever hear of Koenig beating inmates other than these particular ones that you saw?

A We heard a lot of things in our bunker but I do not attach any importance to what I hear. I only want to state what I have seen myself.

Q These beatings that you saw Koenig administer, describe them to the court?

A Whenever during the march into the tunnel or coming out of the tunnel a man did not keep the line straight then he simply beat them.

Q How would he beat them?

A He beat them with his hands and he kicked them with his boots.

Q What can you tell the court about the accused Brinkmann?

A Brinkmann was in camp Dora a roll call leader at that time. He also beat the men in the bunker. He sentenced them to be beaten. I myself received blows by him, approximately 20 of them.

Q Why did Brinkmann beat you?

A That was in the bunker. I was in the standing bunker. I was called by roll call leader Knittler when I was talking to another prisoner and then Knittler took me outside and beat me. I had to bend over and he beat me and because I did not cry Brinkmann said, "Give him some more. Let him have it good" and then he took the stick and he continued to beat me.

Q How many times did you say Brinkmann beat people?

A Only during the time while I was in the bunker.

Q How many times did you see him beat people while you were in the bunker?

A Four to five times approximately.

Q What can you tell the court about the accused Moeser?

A Moeser was first camp leader with us. He also beat people. Once a transport came from Wieda and they had done something or other. As a result they were relieved from Wieda and they all were beaten at the roll call square. Every man received five or 10 blows with a stick. I do not recall the exact amount--and Moeser was participating. When the mass hangings were carried out he shot the man who were taken down from the gallows who still were showing signs of life at the slope of the hill. He shot them in the back of the neck.

Q Is there anything further you can tell the court about Moeser?

A No.

Q Did you see Moeser shoot these inmates that were taken down from the rope?

A Yes.

Q What can you tell the court about the accused Kilian?

A He was jailer in the bunker and the hangman of Dora.

Q Is there anything further you can tell the court about Kilian?

A He hit the men who were taken down from the rope and who were still showing signs of life over the head with a steel, and he doused the prisoners with water who had been interrogated in the bunker on account of the--in connection with the mass hangings. He threw the empty pails on the heads and he dragged them by the legs back into their cells.

Q How do you know about this?

A Because I have seen that.

(Wyglendats-Direct)

Q What were you doing in the bunker?

A I myself was in the bunker for 14 weeks as an arrestee and then I was clerk there.

Q How long did you stay in the bunker altogether as an arrestee and as a clerk?

A I was 14 weeks as an arrestee and as clerk until the end.

Q During what periods of time were you in the bunker?

A From the 24th of June until the 30th of September, 1944 as an arrestee and as a clerk until the end.

Q While you were in the bunker did you observe anyone else other than Kilian there?

A Yes.

Q Who did you see there?

A Walenta, Buehring, Sander, Deckert, Grund, Schulz. That is all.

Q What can you tell the court about Buehring?

A Buehring beat the prisoners during the interrogations in reference to the mass hangings just as really as Sander did.

Q How often did Buehring beat the prisoners in the bunker?

A Almost every day.

Q How severely would he beat and hit an individual prisoner at one beating?

A He beat them mostly until they collapsed because the purpose of the beating was to have them confess.

Q Did you see those beatings by Buehring in the bunker?

A Yes.

Q What can you tell the court about Walenta?

A He was in the bunker at first as a jailer. Later he worked with Sander. Kilian, Buehring, Sander and Walenta worked together.

(Wyglendatz-Direct)

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Q Can you tell the court anything further about Walenta?

A He also beat the prisoners and he also interrogated them himself.

Q Did you ever see Walenta beat prisoners?

A Yes.

Q How often did you see Walenta beat prisoners?

A He was always present during all the interrogations and I also had to take down everything during interrogations and then he was always present.

Q What was your duty during these interrogations?

A I had to keep a record of all the new arrivals and I had to list them.

Q What about the interrogations that you attended? What were your duties at these interrogations?

A When the people confessed, I mean the ones who were interrogated, whenever they confessed something then they took the man whom they had given away also inside the room and I had to enter them also in the list. I had to enter the new men whose names had been given.

Q How much did Walenta beat these prisoners that you have testified you saw him beating?

A He also worked on them with sticks, with clubs and with his hands. On account of his work for the SD and for his cooperation with the SD he finally was discharged as a prisoner.

Q What can you tell the court about the accused Detmers?

A I knew Detmers only from the bunker. He was two or three times in the bunker. Whenever somebody escaped from the detail he asked him, "Why did you escape from the detail?" and he slapped his face two or three times. That occurred perhaps two or three times. I have not seen anything else.

Q What can you tell the court about the accused Zwiener?

A Actually I know Zwiener very little from camp because at that time I came to Ellrich. I cannot say anything derogatory about him from camp and I haven't heard much about him either.

Q Do you know the accused Zwiener from Ellrich?

A Yes, I know he came into my block in Ellrich. I was block eldest in Block five.

Q Is there anything that you have to add about the bunker, the conditions in the bunker and what you saw go on there?

A I can only say that there were things going on which one did not see. There would be things going on at night. The windows were closed at night. From the affair of the 20th of July several civilians also came into the bunker. The windows of the cells were closed from the inside. One could only hear the crying which came from the place where they were doing that. I then spoke to the capo of the crematory Franz Fuchs and he said that many a time during the night the prisoners had to get out of the crematory and then the SS men themselves burned the bodies.

Q Did you every visit the crematory yourself?

A Yes.

Q What did you observe when you visited the crematory?

A I once saw the four slain men from the bunker. I don't know, the prisoners name was Jumbo. That is the name of theman who was working in the bunker as a stoker and at one time many prisoners, I believe 12 of them, trie to escape from the bunker. They had been condemned to death. They beat up the staff sergeant Grund and hearing that commotion that man Jumbo came out of the furnace room and hit them over the head and then I saw their bodies in the crematory and I also saw the bodies of the 8 Germans who had been shot in April.

CAPTAIN MCGARRY: The prosecution hasno further question.

DOCTOR AHRENS: Cross examination for the accused Simon.

CROSS EXAMINATION

QUESTIONS BY DOCTOR AHEIM.R:

Q Mr. Wyglendats please state in which different details you worked in Dora in order that the accused may remember you?

A At first I worked on the detail labor statistics.

Q From when to when?

A From November '43 until March '44.

Q Then?

A Then I came to Block 27 and 36 as block eldest.

Q From when to when?

A That was from March to May or April '44.

Q Then?

A Block 110 and from there I came to Ellrich.

Q And at last you were in Dora again?

A Yes.

Q In what capacity?

A As an arrestee in the bunker.

Q When did you see Simon for the first time in Dora?

A On the day of arrival on the 4th of November '43.

Q What was the day of your arrival, is that right?

A Yes.

Q Do you want to tell the court that on the 4th of November '43 on the day of your arrival Simon was already in Dora?

A Yes.

Q What was your job in the Labor Statistics?

A In the tunnel down in the Labor Allocation.

Q With what did Simon beat when you claimed to have seen him two or three times beat prisoners?

A With his hands.

(Wyglendats-cross)

Q Where did that happen?

A In the Labor Statistics Office and once up in camp.

Q What was the reason for his beating the prisoners with his hands?

A Most of the time it was the reason was that they were complaints that the prisoner had been goofing off during work?

Q You mean to say that Simon punished people because they goofed off from work, is that right?

A PRESIDENT: Just a minute let me interrupt. Did the witness use some slang expression that is translated in that way?

INTERPRETER: Yes, that is right.

THE WITNESS: They were mostly weak people. We had disenfections going on day and night. They were working all day and during the night they had to go to the delousing and they then had work to do again the following day.

Q Isn't it right that if Simon would not have punished those people by beating them with his hands, but would have reported them that they would have been punished much more severely?

CAPTAIN RYAN: I object to that. That question is conjectual sir. It is calling for---

PRESIDENT: The objection is sustained.

Q Did you, while you were working in the Labor Statistics office ever experience that prisoners were reported for having goofed off from work?

CAPTAIN RYAN: I think the defense counsel should be more specific. Reported to whom?

DOCTOR AHEIMER: I withdraw my question.

Q What was the official punishment which somebody received for having dodged work as far as you know?

A The roll call leader did that and I don't know what kind of punishment he meted out. That was completely left to his whim.

(Wyglendatz-cross)

Q Can you tell us if in your opinion the punishment meted out by Simon by slapping them lightly was easier than the one which they would have received from the roll call leader.

CAPTAIN RYAN: Objection. He doesn't know what they would have received had they been reported.

PRESIDENT: The objection is overruled.

THE WITNESS: I cannot say.

QUESTIONS BY DOCTOR AHSIMER:

Q Did you ever hear yourself that Simon instructed the prisoner Schmittling who was mentioned by you to punish other prisoners?

A Yes.

Q What reasons, if any, did Simon give to Schmittling at that occasion?

A There were many sick in camp who could not work, who were weak, and they were kept back in the block; they did not go to work; and then Schmittling piced the prisoners out of the blocks. He reported them to SS Staff Sergeant Simon. And ther the block eldests who had allowed them to stay behind were called; and they were sentenced to 5 or 10 blows with a stick, which Schmittling administered to them.

Q Do you know if those 5 or 10 blows with a stick which you have mentioned were meted out by Simon or had been ordered by a superior officer?

A That was ordered by Simon.

Q Did you hear that yourself?

A Yes.

Q Isn't it a fact that it was prohibited to stay away from work without a doctor's certificate?

A If during the first day somebody from the tunnel was weak, did not go to work, and went to the dispensary, he was thrown out.

Q Who was at that time camp physician in Dora?

A I do not recall the first physicians.

Q But you do recall that at that time a camp physician was present?

A I don't know any doctor with the exception of Dr. Kahr and Dr. Kurske.

Q Don't you recall the name of Dr. Plassa?

A I do not.

Q When did it occur that Simon had prisoners line up who were convalescents and then selected some who had to go back to work?

A That was in the Spring of '44.

Q How do you know that those men were convalescents?

A Because I myself in my capacity as block eldest had convalescents

in my block.

Q Isn't it a fact that it occurred repeatedly in Dora that prisoners obtained fraudulently a doctor's certificate by bribing the prisoner doctor or by being a good friend to him?

A I don't know of that.

Q Isn't it a fact that prisoners repeatedly forged doctor's certificates by altering the date which was on those certificates?

CAPTAIN RYAN: Objection to the phraseology of this question. There has been no testimony on direct examination by the witness as to any forgeries on doctors' certificates or anything of that sort. It is going beyond the scope of his cross examination.

DR. AUBIVER: If the court please, the witness spoke under direct examination about convalescents who had been picked for work assignment.

PRESIDENT: The objection is overruled. The witness will answer the question.

A I don't know anything of that.

Q Wasn't it possible to be entered in the sick book or to receive a doctor's certificate as a convalescent by giving the doctor cigarettes or sardines?

CAPTAIN RYAN: The same objection, if the court please. This is going beyond the scope of cross examination. There has been no testimony by the witness that he knows anything about the doctors' certificates or doctors' reports or methods of obtaining them, and I think he is going beyond the scope allowed by cross examination.

DR. AUBIVER: If it pleases the court, I think during the whole trial it has been taken for granted that the person could only be a convalescent if he was in the possession of a convalescent certificate.

CAPTAIN RYAN: I am talking about the witness here. I am not

talking about what was prior to this, but this witness only -- not what was brought on prior by cross examination. If the question is allowed, I think it should be qualified "if he knows."

DR. AHEIMER: I add to the question "as far as he knows."

PRESIDENT: The objection is sustained on the grounds that the question has already been asked and answered.

Q You mentioned the prisoner Schmittling. Isn't it a fact that Schmittling was relieved of his job because he was a homosexual and because he, in addition to that, accepted gifts from other prisoners?

CAPTAIN RYAN: Objection. There is no testimony that this witness has testified on direct examination as to this person being a homosexual or why he was relieved or anything -- just that he beat somebody and that he was ordered relieved by Simon.

PRESIDENT: The objection is sustained.

Q Do you know that whenever a prisoner was missing from work the employer reported him as missing?

CAPTAIN RYAN: I wish the defense counsel would be more specific. What employer

DR. AHEIMER: I mean the employer on whose detail the prisoner was working.

CAPTAIN RYAN: I still don't understand "employer" -- who he means, "his employer."

DR. AHEIMER: I will rephrase the question.

Q Isn't it a fact that whenever a prisoner was missing from work at his place of work, then the Labor Statistics Office received a call asking why he was missing?

PRESIDENT: The witness will speak more loudly, more slowly, more clearly, so that we may all understand.

A Different firms needed the prisoners for work, and there was a

special detail called "Detail for Special Tasks." The detail was distributed over the different groups of employers, and they had to take whatever they could get.

Q Whenever a prisoner was assigned to a detail or to, as you just have mentioned, a firm, didn't that firm always inquire with the Labor Statistics Office as to the whereabouts of the prisoner when he was missing?

A At the steady details the number of prisoners had to be the same all the time and then one had to fill them up from the convalescent blocks.

PRESIDENT: The court will recess for 15 minutes.

(Whereupon the court recessed at 1600 hours.)

* * *

(Whereupon the court reconvened at 1615 hours.)

PRESIDENT: The court will come to order.

CAPTAIN McGARRY: Let the record show that all members of the court are present, prosecution and defense are represented by counsel, all the accused are present, the reporter and interpreter are present.

At the close of the last session the witness Wyglendatz was on cross examination.

PRESIDENT: The witness is reminded he is still under oath.

DEFENSE COUNSEL: The defense would like to announce that it has no objections now to the permanent release of the witness Burgdorf.

PRESIDENT: The record will note that the witness Burgdorf is permanently excused.

ERICH WYGLENDATZ, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, continued to testify through an interpreter as follows:

CROSS EXAMINATION (continued)

QUESTIONS BY DR. AUERNER (continued):

Q Mr. Wyglendatz, whenever a prisoner who had been assigned to a

special detail did not show up for work and whenever his absence had been reported to the Labor Statistics Office, wasn't it the duty of the Labor Statistics Office to find out why the man didn't show up?

A Yes.

Q Can you personally complain about the treatment which was given to you by Simon?

A I can not say that I could complain, but I had to rush the same way all the others had.

DR. AHEIMER: No further questions.

DR. REINER: Cross examination for the accused Walenta and Detmers.

QUESTIONS BY DR. REINER:

Q You have mentioned in Direct examination the so-called standing bunker. Where was that standing bunker located? In which building?

A In the room of the roll call leader.

Q Can you show us on this map of Concentration Camp Dora where this standing bunker was located?

DR. REINER: This is Prosecution's Exhibit No. 22.

A (Indicating) In this barracks.

DR. REINER: Let the record show that the witness is pointing to the building to the left of the entrance to the Protective Custody Camp.

Please sit down.

Q How large was that standing bunker?

A There were two rooms -- a larger one and a smaller one. There were in the larger room 80 people and in the smaller room there were those men who had been sentenced to death or those who had the prospect of being hung one of these days.

Q And at what time had that standing bunker been established in Dora?

A I myself ca e into the standing bunker in June.

Q Did at that tir the other regular bunker already exist at Dora?

A. It was under construction, and by the end of August we came into the new bunker which had been built -- newly built bunker.

Q Was the description which you gave about Petsers referring to the standing bunker or to the regular bunker?

A To the standing bunker.

Q Isn't it a fact that you became block eldest in Block 5 after you had been discharged from the bunker in Dora?

A No.

Q Isn't it a fact that you came into a block in camp after you had been discharged from the bunker in Dora?

A Yes, I came to Block 130.

Q Have you been block eldest in this Block No. 130?

A Yes.

Q Isn't it a fact that you came into the bunker only a few times and only about a half an hour each time?

A At times it was as much as two hours, but these two hours were sufficient to see everything.

Q Isn't it a fact you went into the bunker only for the purpose of keeping a book for Sanders and that book was to contain the members of the resistance organization in camp?

A Yes.

Q Isn't it a fact that after your discharge you entered the bunker only about 10 times?

A I was almost daily, at least 5 times a week, in the bunker.

Q Isn't it a fact that you worked there for Deckert?

A I wrote the books during my incarceration in the bunker, which lasted for 14 weeks. After Sanders had seen the books, I also had to do his correspondence.

Q Why did you come into the bunker for 14 weeks?

A For the case Doering.

Q Which case was that?

A Doering and Wiener and Buettenbach and Willach -- I don't know for what reason, because at that time I was in Ellrich. At any rate, it was on account of Doering. They have to thank him for it. They came to Ellrich in Block 5, and there they were for one day and one night. At 4 o'clock they had to go to Harzungen on the same day -- all five of them -- and then they came to my block to get some bread and then at that time there was a fight between Wiener, Buettenbach, and Doering, and Willach also participated. They were beating Doering in the block. I intervened, and roll call leader Brumm was already shouting that the vehicle was waiting downstairs. And then they mounted the vehicle and drove to Harzungen. I don't know what happened on the way. At any rate, Doering arrived and had to be taken to the dispensary to Dora, where he died after six days.

Q And for that reason you were punished?

A All five of them were locked up. I came there as a witness together with another witness Krahe, Erich, and they kept us there.

Q Who interrogated you at that time?

A We weren't interrogated at all in this case.

Q If I understood you correctly, you were block eldest in Block 5 in Ellrich?

A Yes.

Q And in Dora you were block eldest in Block 130, is that right?

A Yes.

Q Isn't it a fact that you were never present during interrogations which Sanders made, but you only joined after interrogations?

(WYGLENDAT:-Cross)

A When I was present, they kept interrogating all day and they also kept beating all day.

Q And who conducted the interrogations?

A Sanders; Buehring also; and, in a few cases, Valenta.

Q Did you yourself hear Walenta conduct interrogations?

A Yes.

Q You have also stated that Walenta has beaten prisoners. Did he not beat those prisoners by order of Sander?

A Walenta also worked with his own volition and by doing so he bought his freedom.

Q Who told you that Walenta was discharged as a prisoner?

A He himself said, "Goodbye" to me.

Q What did he say when he was saying, "Goodbye"?

A He said he was discharged from the SD.

Q Did Walenta go home at that occasion?

A That I don't know. At any rate, he was discharged from the bunker.

Q Was he still present after he had been discharged?

A I did not see him any more.

Q When as far as you remember was that discharge?

A It was either in December or in January.

Q Do you mean December '44 and January '45?

A Yes, or perhaps a month later, I am not certain.

Q When did you see Walenta for the first time?

A In Ellrich.

Q What position did Walenta have in Ellrich?

A Block eldest in Block 1.

Q And when did you see him for the first time in Dora?

A In the bunker.

Q Please answer my question. My question was, when did you see him for the first time in Dora?

A Was it in August? It was in the bunker--it was in August.

Q Hadn't Walenta at first been a prisoner in the bunker?

A Yes.

(Wyglendatz-Cross)

Q You have stated that at first he worked as a bunker orderly. Over what period of time was that?

A There were cases in camp in the bunker in which a prisoner did not want to confess right away and in these cases Walenta was sitting there and he was to talk to the prisoner as a fellow prisoner and he was to talk to him in the smooth way and he was to trick him into confessing. And since he had quite a lot of success doing so, he gained Sander's respect more and more.

Q And for how many weeks or something like that was he bunker orderly?

A Kilian released him later on.

Q And when approximately was that--was it perhaps already cold?

A It may have been at the end of August.

Q And isn't it a fact that you have been in the bunker until approximately the middle of October as an arrestee?

A One does not forget dates like that. I was discharged on the 30th of September.

Q Was Walenta already in the bunker when the so-called "standing bunker" still existed?

A I do not recall this.

DR. REDER: No further questions.

QUESTIONS BY DEFENSE COUNSEL:

Q You stated that you saw Braany in a drunken condition beating prisoners in the tunnel, and you stated that the date which he did this was from November '43 to April '44. Isn't it a fact that Braany for the major part of that time was not in Dora but at a detail in Norddausen?

A Braany was very frequently in the tunnel, during the first time when I was in the tunnel, almost daily.

Q And when were you first in the tunnel?

A From November until March.

Q Do you remember seeing Braany in the tunnels any time between January and March?

A Yes.

Q Was he on duty there or just passing through?

A He was passing through.

Q Now, these beatings that you saw Brinkmann administer were official punishment, is that correct?

A Whenever the prisoners had done something they were reported to the roll call leader and a so-called punishment report was made and then they were sentenced by him to 25 and on the following Friday the punishment was carried out, and the prisoners had to line up in order to receive their punishment.

Q Were you present at the mass hanging in the early part of 1944?

A Yes.

Q Did you see anyone other than Hoesser give mercy shots at that hanging?

A I saw SS Master Sergeant Brunn.

Q Anyone else?

A There were officers present from the SD.

Q I am speaking now of actually giving mercy shots?

A That was Hoesser and Brunn.

Q Now, you identified the accused, Zwiener. Do you know why Zwiener was relieved as camp oldest of Dora?

A I don't know that because I was in Mirich.

Q Were you present at the hanging which occurred in Easter of 1944 in which the political prisoners, Szymcak and Thomas refused to perform as hangmen?

A I have heard about it. I could not attend because I had to remain with my work in the tunnel. I heard that they refused to perform the hanging and another prisoner by the name of Schreer hung one man, and the two came to the tunker, Thomas and Szymcak, and they were relieved as camp oldests and Thomas came as camp to the prisoners' clothing supply store and Szymcak became chief of the statistics.

Q Now, it is a fact, is it not, that there was a feud in Dora between the prisoners wearing the red triangles, that is, the political prisoners and the criminal prisoners wearing the green triangle?

A There were only a few who out of personal interest wanted to get a higher position. Buettenbach wanted to become camp eldest and he wanted to bring on this man's downfall. It had absolutely nothing to do with the triangles the people were wearing.

Q Isn't it a fact that this man Doering who was the interpreter was actually killed by injections in the hospital?

A I don't know of this.

Q Is it not a fact that Zwiener was imprisoned at the same time that you were in the bunker?

A Yes.

Q And is it not further a fact that he was sentenced to death?

A I don't know of this.

Q Is it not a fact that you were accused of participating in this Doering affair as well?

A No.

Q You stated that you were held in the Doering affair as a witness, is that right?

A Yes.

Q And yet you were never interrogated, is that correct?

A Yes.

Q Do you know or did you hear that Zwiener was threatened with carrying out the death sentence on him if he did not assist the SD and at the same time they made you the same offer?

A No.

Q You were locked up in a cell in the bunker, were you not?

A In the new bunker.

Q How then could you be present at the interrogations conducted by Doering?

A I was called in order to list the new arrivals. I mean the men whose names had been given by the others after they had been beaten.

Q Do you mean that you were taken out of your cell for that purpose?

A But that was after I had been discharged from the bunker.

Q And when was it when you saw Doering conduct interrogations?

A That was the time after my discharge when I had to take down those things in the bunker.

Q It is a fact, is it not, that Zwiener was released from the bunker about the same time you were?

A Zwiener was discharged later on, and he received a special position from the SD with the control. He had to control the area, Dora to Ellrich.

Q Is it not a fact that Zwiener was released because he was cleared of the death of Doering?

A Not that I know of.

Q What did you mean by "the affair of the 20th of July"?

A Approximately in the beginning of September some civilians were coming into the bunker in Dora. We saw the civilians by the windows of the cells, and then there they were being interrogated. During the night we only heard them cry, and on the following morning we didn't see any of those men again.

Q Were they civilians who had been working in the tunnels?

A No. I only learned from several of the boys that they were civilians from Nordhausen.

Q Were you present in the bunker the night that the rebellion of the Russians occurred?

A You mean where the Russians escaped--broke out?

Q Yes.

A No.

Q You testified that you knew the prisoner, Jumbo, beat some people who tried to escape on that night, isn't that right?

A On the evening, on the night rather when they tried to escape there was general cordon on the block. We had to see to it that nobody would get in. Then they were looked for by the SS men in the camp. Five of them escaped, one committed suicide by hanging, three of them were hiding themselves but they were found, and the fifth man had been absent for three days--he had been hidden under the roof in Block 141. The block eldest from Block 140 found him. He gave the alarm. He immediately was called for and hung on the spot. He was dressed in his underdrawers, in his shirt and he was hung the way he was.

Q Now, when Zwiener was a prisoner in the bunker, isn't it a fact that he was kept handcuffed at nighttime?

A Yes.

Q Did you know or did you hear that during this rebellion the Russians had wounded Kalenta?

A I was on the last day in the bunker and Deckert told me that in case the Russians should ask for water, Deckert was sitting together with Grund in the office, and the Russians came into the room silently on bare feet. They took a steel helmet off a cardboard, and with that helmet they hit Grund over the head and Grund broke down. Grund collapsed. Deckert gave the alarm and consequently this man came up from the furnace, this man, Jumbo, and he hit them over the head with a heavy stoker, and he actually cracked their heads. It was such (indicating) a wide gap.

Q My question was this, did you know or did you hear that Kalenta was wounded by the Russians that night?

A No.

DEFENSE COUNSEL: I have no further questions.

CAPTAIN MCGARRY: The prosecution has no further questions.

(Wyglendatz-Cross)

EXAMINATION BY THE COURT

QUESTIONS BY MEMBERS OF THE COURT:

Q Do you know whether or not any of the prisoners were hospitalized or died as the result of the beatings they received in the bunker?

A Yes. One of them was beaten, a young Russian, and he received 70 blows by Sander, and he was dead. That was in the beginning of November, and the witness, I mean the Doctor Kursko or Doctor Kurska, or whatever it was, he can confirm it.

PRESIDENT: There are no further questions by the court.

CAPTAIN MCGARRY: May this witness be permanently excused?

PRESIDENT: Does the defense object?

DEFENSE COUNSEL: We would like to have just a temporary release at this time. We will announce our intentions later.

PRESIDENT: The witness will be excused.

(Thereupon the witness was excused and withdrew.)

PRESIDENT: The court will recess until 9 o'clock tomorrow morning.

(Thereupon at 1655 hours the court recessed until 0900 hours, 18 September 1947.)

* * * *

MILITARY GOVERNMENT COURT

CASE RECORD

2d
V-28

CASE NO. 000-50-37

*SUMMARY
INTERMEDIATE MILITARY COURT
GENERAL

PLACE Camp Dachau, Germany.

DATE 18 September 1947.

PROSECUTOR Lt.Col. Wm. Berman

DEFENSE COUNSEL Maj. L. Poullard

INTERPRETERS Nelly Singer, Roland Carroll.

REPORTERS Mabel D. Holt, Peter L. DiCurti, Gloria M. Spears, Eunice L. Hasdorff.

WITNESSES

Hans Johannes Maienschein

Herbert Weiss

ACCUSED Arthur Kurt Andrae, et al.

ADDRESS _____ SEX _____ AGE _____

	FIRST CHARGE	SECOND CHARGE
PLEAS		
FINDINGS		
PREVIOUS CONVICTIONS		
SENTENCE		

IMPRISONMENT

(TERM _____
(
(BEGINNING _____ 194_____

FINE

AMOUNT _____
TO BE PAID BEFORE _____ 194_____
FURTHER TERM OF _____ IMPRISONMENT

CHARGE SHEET AND RECORD OF TESTIMONY ARE ANNEXED HERETO.

_____
SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY _____

_____

_____
SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

R E C O R D O F T E S T I M O N Y

in trial of

THE UNITED STATES versus ARTHUR KURT ANDRAE, et al

by

GENERAL MILITARY GOVERNMENT COURT

tried at

CAMP DACHAU, GERMANY BEGINNING 7 AUGUST 1947

18 September, 1947 1849 - 1913

T E S T I M O N Y

WITNESSES	Direct	Cross	Redirect	Recross	Court
HANS JOHANNES MAIENSCHEIN	1849	1867	1889 1899	1895 1898 1899-A	1898 1899-A
HERBERT WEISS			1904		1913

Take 275 - Nordhausen
9-18-mdh-1

CAMP DACHAU, GERMANY

18 September 1947.

MORNING SESSION

(The court reconvened at 0900 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present, the prosecution and defense are represented by counsel, all of the accused are present, the reporter and the interpreter are present. I am informed that at the end of the last session the witness then on the stand was excused. We are going to present a new witness this morning, but before I bring him in I would like to make two statements to the court. One is that at the end of today's session I am going to ask for a continuance until Monday. I am reaching the end of my case now. I mean the last portion of it and, due to the lack of help which the court can seek, most of the time I am in here alone. I need this time to review the testimony of the prosecution and to prepare the last batch of my testimony. The next statement I would like to make is this: That it was my intention to ask for reconsideration by the court of the action taken yesterday in striking from the record certain portions of the testimony of the witness Weiss, but after thinking it over I have decided to delay making that motion, pending an opportunity to read the record, to see just exactly what was said. I am just making the statement now by way of notice to the defense and so as to prevent any possibility of laches in presenting the motion.

The next witness is Hans Maienschein.

HANS JOHANNES MAIENSCHEIN, called as a witness by the prosecution, being first duly sworn, testified through an interpreter, as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION

Q Will you state your full name, your age and your civilian occupation?

A Hans Johannes Maienschein. 31 years old, occupation shoemaker.

Q What is your nationality and your present residence?

A German. Mondsbauer.

Q Were you at one time a prisoner at Dora or any of the subcamps of Dora?

A At the end I was in Nordhausen, Boelke Kaserne.

Q When did you come to Boelke Kaserne in Nordhausen?

A The end of February, with a transport from Gross Rosen, in the direction of Dora.

Q And how long did you stay in Boelke Kaserne?

A Until the fifth of April, during the second bombing.

Q And was that in 1945?

A 1945, yes.

Q Will you look around the courtroom and see if there are any people in the room whom you met in Boelke Kaserne in Nordhausen, and please go as close to the people in the room as necessary to make sure of your identification.

A There. (Indicating.)

Q Go up to the man that you are pointing at and stand right in front of him?

A (Witness proceeds to back row of accused). That was the camp doctor, Schmidt. Heinrich Schmidt.

Q Let the record show that the witness has identified the accused Schmidt, wearing placard No. 15. That will close our identification by this witness, if it makes any difference to the court.

PRESIDENT: That being the case, have all the accused turn their numbers.

Q Now you say you came to Boelke Kaserne and Nordhausen at the end of February and stayed there until the second bombardment, April 5, 1945; can you tell the court when the accused Schmidt came to Boelke

Kaserne and how long did the accused Schmidt stay there?

A When Dr. Schmidt arrived I cannot say. I saw him in the beginning of March, during an inspection.

Q How long were you in Nordhausen when you first saw him?

A 14 days.

Q And where was Dr. Schmidt on April the 5th, 1945?

A That I don't know. That I don't know. During the bombing I didn't see him.

Q When was Dr. Schmidt for the last time in Nordhausen and Boelke Kaserne, to your knowledge?

A I saw him when I was still in the dispensary. That is the end of March.

Q What were your duties in Boelke Kaserne?

A I was a room orderly in Boelke Kaserne.

Q Where? In what building?

A In block 6.

Q Were you in Block 6 all the time you were in Nordhausen?

A Yes.

Q What was Block 6?

A This Block 6 was just being equipped when we came from Gross Rosen to Dora; we left the railroad station at Nordhausen and came to this Block 6 in the Boelke Kaserne which was just being equipped?

Q What was Block 6?

A In the beginning Block 6 was—all prisoners went there, sick ones and healthy ones. After the inspection it was to become a convalescent block for sick prisoners who came from Dora and were sent there. That was done in this sense that Block 6 and 7 were isolated; that is, they were surrounded by a fence. And furthermore, the prisoners who were able to work, they were brought to Blocks 3 and 4, but we remained in Blocks 6 and 7 and it was strictly a convalescent block.

Q Tell the court what took place in Block 6 and Block 7? What

kind of prisoners were they?

A In blocks 6 and 7 there were exclusively Russians, Poles, and Czechs, and Dutchmen, but of the Dutchmen there were only a few. As well as Reich Germans.

Q What was the trouble with these people who were in Blocks 6 and 7?

A That was, as I have said, at the end all sick people. The healthy ones were only the block eldests, the block clerks, the room orderlies, and the people who brought the food, and perhaps a few of them who understood how to get out of work details. All the others in Blocks 6 and 7 during the day were lying on wooden shavings; there were no beds in these blocks.

Q Where were they lying on these wooden shavings, if there were no beds?

A They were lying on the floor. The floor was of cement. The prisoners were allowed to spread out these wooden shavings and then they were lying on the cement floor. Only the block eldest, the block clerk, and several of the room orderlies had beds, which of course they had to organize themselves.

Q What kind of building was this?

A If I should be honest, this must have been a work-shop for making mechanical repairs or an automobile work-shop, or something like that, but at any rate it was not a regular kaserne.

Q What illnesses were these people who slept on these shavings suffering from?

A In most cases it was malnutrition.

Q What were some of the diseases?

A Diarrhea, for the most part.

Q Now you said you were the room orderly in Block 6. Did you ever visit Block 7?

A Yes.

Q What kind of sleeping equipment did they have in Block 7.

A Exactly the same.

Q What kind of building was Block 7?

A That was a long-drawn-out building, Block 6 and 7. It was possible to go through a corridor from Block 6 to Block 7 on the inside.

Q Now from what diseases were the people in Block 7 suffering?

A When I came into Block 7 I saw most of the prisoners there lying down but what their individual sicknesses or diseases were I cannot say. After all, I am not a doctor.

Q Who was the SS physician at Boelke Kaserne?

A That was the camp doctor, Dr. Schmidt.

Q How long were you the room orderly in Block 6?

A From the beginning until the end. Two days after I arrived I was immediately assigned as an orderly.

Q About how many weeks was that?

A Six weeks. Six or seven weeks.

Q What were your hours of duty in Block 6.

A In the morning at 5:30 we were woke up.

Q Who do you mean by "we"?

A We were three of us as room orderlies. Then subsequently coffee was obtained. Then we had to fall out for rollcall.

Q Who had to fall out for rollcall?

A Whoever could possibly stand up.

Q Who decided who could stand up?

A That was the prisoners' doctor. Every block had been assigned a prisoner doctor and a prisoner nurse and they determined who could stand up.

Q And when did your hours of duty in Block 6 end?

A After rollcall in the evening.

Q On the average, how many hours a day were you in Block 6? While you were awake?

A Thirteen to fourteen hours. It all depended. We, that is we room orderlies, could not go to bed until all the prisoners had gone to bed and everything was quiet. It was usually in the evening nine or ten o'clock until we room orderlies were able to go to bed.

Q During this entire six weeks during all the waking hours, how many times did you see the accused Schmidt in Block 6?

A In Block 6 I never saw the doctor at all. In our blocks no inspections were allowed to enter.

Q What do you mean by "no inspections were allowed to enter"?

A If somebody strange came into the camp to make an inspection, they were not allowed to enter our block.

Q Did you ever see the accused Schmidt in Block 7?

A No.

Q Was there any difference in the rules between Block 6 and Block 7?

A There were no differences; they were both recognised as convalescent blocks and were handled accordingly.

Q What food was served these people in Blocks 6 and 7?

A In the beginning, when I came there, the food was sufficient, but in the beginning of March it started to become worse.

Q What did you receive when you first came there? Not what did you receive, what did the sick people in Blocks 6 and 7 get when you first came there?

A One liter of soup at noon and in the morning for four men, or six men, it depended how much bread was there, the bread was given out with a little bit of margerine.

Q What else besides the liter of soup and this one loaf of bread divided between four and six men and a little bit of margarine did these sick prisoners have to eat daily at the beginning?

A That was the daily ration. One had to get along with this bread.

Q You said it became worse in March. What was the daily ration for those sick people in March?

A In March it was catastrophic. A half liter of beet soup with water. There was no fat whatsoever in it. And if everything was alright three potatoe per man in the skins and the bread became very little afterwards. Every 10 days one bread for 10 men, once even for 14 men.

Q Now you said that each block had a prisoner physician. How many prisoner physicians were theufor each block?

A I am only speaking about six and seven convalescent blocks. There was a prisoner doctor and a prisoner nurse. That is two doctors and two nurses. They could be recognised by an arm band.

Q In other words, if I understand you correctly each block had one prisoner doctor and one male nurse, is that right?

A Yes, that is right. Together a doctor and a male nurse.

Q How do you know whether or not there was a prisoner's hospital in Boelke Kaserne?

A Yes.

Q How many people were in each block--six and seven? I mean prisoners?

A In block six and I know it exactly because I was always present during roll call--in the end of February beginning of March six to eight hundred but the end of March beginning of April was over one thousand.

Q Can you give the court an idea or an estimate of how many prisoners there were in Block seven?

A As an estimate I would presume that there were also six to eight hundred because we were standing next to each other and I could just about get an idea how many there were.

(Maienschein-direct)

Q These people that went into block six were they all on the same transport with you? Did they come with you?

A No, every day new ones were added.

Q Was that also true of block seven, do you know?

A Yes. The sick people all came to block seven and six and the people who were able to work all came into other blocks.

Q What medical facilities were there for these sick people in block six besides the doctor and male nurse?

A I didn't see any.

Q What treatment did these prisoners receive fromthis prisoner doctor and this prisoner nurse?

A Their work consisted of bringing the prisoners their food at noon, to help them if they had to relieve themselves and in the evening they tried to arrange it so that four men would receive one blanket.

Q Now this bringing of the food, was that done, did you say, by the prisoner's physician and the prisoner's nurse?

A It was distributed by the room orderly but the prisoner doctor and the prisoner nurse brought it to the sick prisoners.

Q Where was it distributed by the room orderly?

A In the block. It was fetched from the kitchen and then distributed in the block.

Q Outside of this food and helping a prisoner to relieve himself and covering them up with a blanket what other medical attention did the sick prisoners in block six receive during the entire six weeks you were there?

A I never saw that the prisoners doctor ever received any medicine whatsoever.

Q Do you know what a thermometer looks like?

A Yes.

(Maienschein-direct)

Q Did you ever see one of these in block six during the time you were there?

A Yes.

Q Who had one?

A That I saw. The male nurse had a thermometer and the block eldest had one.

Q While you were at Nordhausen did any transports arrive there?

A Yes, various transports arrived.

Q Where did they come from, do you know?

A Most of them came from Dora. Those who came to our blocks. Where the others came from I don't know.

Q Did you see these transports or they came to Boelke Kasarne from Dora?

A Yes.

Q Describe those transports to the court? How did the people look and what was wrong with them?

A The transports which came from Dora to Nordhausen were very bad. Seventy percent of them were bedridden and the other thirty percent were able to stand, after a fashion.

Q What was wrong with them? What diseases did they have?

A Most of them had diarrhea and otherwise--well the doctor didn't examine them. He didn't tell us that such and such was wrong with such and such a prisoner.

Q Now you are not a doctor I know, but tell the court what these people looked like--just how they sounded to you?

A Altogether they were undernourished. They were weak.

Q How were they dressed?

A They were wearing prisoners clothing--zebra clothing.

Q Did you hear them at all?

A Most of them were foreigners.

(Maisonchein-direct)

Q I don't mean what language they talked. Did you hear the sound of their voices?

A Yes. The ones that were still able to speak. One could talk to them but the others we didn't speak to them at all. We didn't have an opportunity to speak to them.

Q What was done with these transports when they came to Boelke Kaserne? How were they treated?

A The ones that came into our blocks were immediately placed on these wooden shavings and were left there otherwise nothing else was done to them.

Q Did you see them as they came into the camp itself? I mean by that did you actually see the transport arrive at Nordhausen from Dora?

A Yes.

Q How did they arrive?

A For the most part in vehicles, automobiles.

Q How did the rest come?

A Once I saw a train, a transport train.

Q Now as these prisoners came in by auto where did the auto go to first?

A It was driven directly before our block so that they could go in.

Q Who was there to receive them?

A The clerk, the camp clerk and mostly the roll call leader was present as well.

Q Now we have these trucks in front of the block. What happened next.

A They had to get out, as many of them as could stand up and the others, and the doctor and the male nurse carried out. In the same manner transports were assembled together again away from Boelke Kaserne.

Q Did you see transports assembled at Boelke Kaserne to be sent somewhere else?

A Yes.

(Maienschein-direct)

pld-276-5

Q How were these transports assembled?

A One transport during which I was personally present was assembled by the roll call leader Klaster or some such name. It was the end of March. He came to us the room orderlies and said that two thousand five hundred prisoners would have to go on the transport. He already had assembled one thousand five hundred prisoners who were healthy. "I need a thousand more from six and seven." In the beginning they took those who could stand after a fashion and when that was not sufficient they took those who were bedridden.

Q How did they take them?

A They were loaded, one man at the head and one man at the foot and loaded on an automobile.

Q Were they given a place to sit or to lie down?

A They were lying in the automobile.

Q Where did this transport go to?

A As I assume and as I heard this transport was supposed to have gone to Hanover. I don't know it exactly anymore.

Q How many transports did you yourself see arrive at Boelke Kaserne?

A Those that I saw personally three to four. For the most part they arrived at night when one didn't notice anything about them.

Q Now you have described how one transport which came there by auto from Dora was received. Was there any difference in the treatment given to other transports?

A Yes, there was a difference. For instance the transport with which I arrived from Gross Rosen. In this transport there were only strong prisoners, picked up prisoners who were able to work. For instance I saw various transports which arrived on foot perhaps four hundred, but they were walking and they were perhaps dragging a few prisoners behind them.

Q What medical examination was given these transports when they came to Nordhausen--the ones you saw arrive yourself.

A The one that I saw personally was at the railroad station in Nordhausen. Everybody had to get out of the railroad cars. The roll call leader was standi

there. The camp leader was standing there by the name of Josten or something like that. He was the camp leader and there was somebody else present and there were some block leaders also present who had come from Ausch itz.

Q My question is what medical attention did these transports receive when they came to Nordhausen so far as you saw?

A I didn't see any.

Q During the six weeks you were there in block six did any of the prisoners die?

A Yes. We had in block six on the average daily 10 to 15 deaths.

Q What happened to the bodies?

A The bodies were examined in the morning by the prisoner physician. Then the body carriers were ordered from the dispensary who then took away and transported the dead bodies.

Q Now you saw that the prisoner doctor examined the dead every morning. What did this examination consist of?

A What I saw personally because I was present. He felt the pulse.

Q What else?

A Otherwise nothing else.

Q Have you any idea what the death rate was in block seven?

A That I can't state exactly. I wasn't present there.

Q Well did you ever see any dead people in block seven—that belonged to block seven?

A Yes. In the morning between nine and ten they were usually carried off and if one happened to pass there one could see that the body carriers also went in there.

Q Can you give the court an estimate based on your own observation or on talking with the people in block seven what the average death rate was for block seven.

A For block seven toward the end it was practically the same as for us because block seven was also a convalescent block and only sick prisoners were sent there.

pld-276-7

Q Did you ever have a prisoner doctor or prisoner nurse give any reason as to the cause of the death of these people?

A That he took up with the dispensary orderly room. The block eldest had nothing to do with that. The number of the prisoner which was imprinted in big figures on his chest was taken. Usually that was done on the day before and the number was taken from the chest and this number was given to the block eldest and then he struck off this number from his list.

Q Why were these numbers put on the chests of the prisoner?

A So that they were legible because for the most part they erased them if they were on their arm.

Q Can you give the court some of the causes of the death of these people, irrespective of where you heard the causes?

DEFENSE COUNSEL: I would like to object on the ground that no proper foundation has been laid to show this witness as an expert and that calls for an expert opinion on the part of the witness.

PROSECUTION: I only asked him what were the causes as he heard them. No matter from what source he heard them, what were the causes of death.

PRESIDENT: The objection is overruled, the witness will answer the question.

THE WITNESS: Nothing was ever said about this.

QUESTIONS BY THE PROSECUTION:

Q Now tell the court the circumstances under which you first met Doctor Schmidt?

A During an inspection.

Q Tell the court about that.

A In the beginning of March there was an inspection. An air corps colonel, or whatever he was, and an SS Major arrived. They passed our block in the yard. The block eldest said to me, "That is our camp doctor, doctor Schmidt."

Q Did this inspection group come into block six?

A No.

Q Now you said before that nobody that visited Boelke Kaserne ever came to block six or seven, or were allowed to come to block six or seven. Do you know why?

A Nobody told us that. I only know that nobody was ever in there during the period that I was there.

PRESIDENT: The court will recess for 20 minutes.

(Thereupon at 1000 hours the court recessed.)

Q Did this inspection group come into block six?

A No.

Q Now you said before that nobody that visited Boelke Kaserne ever came to block six or seven, or were allowed to come to block six or seven. Do you know why?

A Nobody told us that. I only know that nobody was ever in there during the period that I was there.

PRESIDENT: The court will recess for 20 minutes.

(Thereupon at 1000 hours the court recessed.)

(Whereupon the court reconvened at 1025 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present, all of the accused are present, the prosecution and defense are represented by counsel, the reporter and interpreter are present.

At the end of the last session the witness Maisenschein was under direct examination.

PRESIDENT: The witness is reminded he is still under oath.

HANS JOHANNES MAISENSCHEIN, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, continued to testify through an interpreter as follows:

DIRECT EXAMINATION (continued)

QUESTIONS BY PROSECUTION (continued):

Q Now, do you know whether or not Blocks 6 and 7 were a part of the camp itself, or were they a part of the infirmary -- the prisoners' infirmary?

A Blocks 6 and 7 were part of the infirmary. For that reason they were isolated.

Q There was the prisoner hospital itself?

A The hospital itself was located in Block 7. It was called 7A.

Q Now, you testified before that you had to stay awake, or, on duty, until everything was quiet in the block. Was there ever a time when everything was quiet in the Block 6?

A At times it lasted until approximately midnight until everybody was covered and was pretty quiet.

Q Did you hear any noises during the night?

A Yes, there were some disturbances at times -- somebody had a coughing fit or some prisoner pulled somebody else's blanket away and then he was looking for it and couldn't find it because it was dark.

Q How much coughing was there at night?

A I must say, whenever they were coughing, it was very loud, but later on one got used to it and didn't pay any more attention.

DEFENSE COUNSEL: If the court please, we have been accused of cross examination about immaterial points. Frankly, I can't see the materiality or relevancy as to the guilt of any of these accused if there was a lot of coughing or very little coughing at nights.

PRESIDENT: Is that an objection to the question or a comment?

DEFENSE COUNSEL: Yes, sir, an objection.

PROSECUTION: It is an evidence of tuberculosis.

PRESIDENT: The objection is overruled.

Q Was there any coughing during the day?

A Yes.

Q Did you see these prisoners as they were having these coughing spells?

A They were lying down.

Q Could you see anything which resulted after the coughing spell?

DEFENSE COUNSEL: If the court please, we have --- To shorten this, the defense will concede that some of these prisoners were tubercular; if that is what the prosecution is trying to prove, we will concede to that.

PROSECUTION: Does the court accept that?

DEFENSE COUNSEL: If the court please, I will have to retract that. I understand he is testifying about the convalescent block. We will concede that there were tubercular patients in the hospital, but not in the convalescent block.

Q What percentage of the people in Block 6 were coughing?

A Of those prisoners who were constantly lying on the excelsior, there were 50 percent.

(MAIENSCHEIN-Direct)

Q Did you see anything about these prisoners after they had a coughing spell? On the person of the prisoner?

A Mostly some slime or blood was coming out of their mouth.

Q Did you see much of this slime and blood in Block 6?

A One did not pay very much attention, but 10 or 15 prisoners in one row whom we had seperated -- in the first row were perhaps 30 to 35 prisoners; 10 to 15 of them at least were giving out heavily with that slime and blood.

Q Did you see any blood from any other cause in Block 6?

A At diarrhea -- whenever people had diarrhea many of them also had signs of blood.

Q What were the sanitary facilities in Block 6 for these sick people?

A At my time in Block 6, latrines were still being built but they were not finished yet.

Q What did the prisoners use -- the sick prisoners use?

A These sick people who could still walk after a fashion used the latrine; they walked over there. The others did it wherever they were lying or standing.

Q How much of that was existing in Block 6?

A There were 70 percent in our block for sure.

Q 70 percent of what?

A 70 percent who could not walk to the latrine.

Q And how did these 70 percent relieve themselves?

A Right where they were standing or lying.

Q Who cleaned this stuff up afterwards?

A It mostly was left lying for two or three days, and after that period of time all the excelsior was gathered up and burned in the court-yard. The cement floor was watered after that.

Q How many of the sick prisoners in Block 6, during the entire six weeks you were there, were ever removed to the infirmary and allowed to stay in the infirmary itself? Just answer the question, please.

A Every morning there were 10 to 15 prisoners who went to the infirmary but they returned.

Q Why were not these sick prisoners from Block 6 whom you saw were coughing so severely sent to the prisoners' hospital and allowed to stay there for treatment -- if you know?

A The infirmary was overcrowded, and if somebody was accepted in the infirmary to stay there, then it was usually a German.

Q Now, you said that when these people died there daily their bodies were taken to the "revier." Can you tell the court anything special about these dead people who were taken to the "revier"?

A The bodies were carried off by the dead body carrier detail after the prisoner doctor had diagnosed their death. I know about one case; it was the case of a Dutch priest. He returned after about two hours completely upset to Block 6. I myself spoke a few words to him and on the following morning he died, nevertheless.

Q How was he dressed when he came back to the Block 6?

A He was naked -- in the same state in which he had been carried away. He told me that he had been lying on the pile of dead bodies and that all of a sudden he had awakened and he was frightened and he ran away.

Q Now, one more question about this sick transport that you talked about before. What happened to some of these prisoners who were too weak to walk into the autobobile or the trains by themselves?

A They were loaded onto the truck by the block doctor and by the block nurse. The block leader himself was present and he attempted to

encourage them by kicking them with his feet and by speeding up their loading procedure.

PROSECUTION: Your witness.

CROSS EXAMINATION

QUESTIONS BY DR. AMEIMER:

Q When did you leave Gross Rosen on your transport?

A The transport Gross Rosen was put together in the middle of February.

Q Are you absolutely positive that you arrived already in the end of February at Boelke Kaserne in Nordhausen?

A Yes.

Q When did it occur -- please, with the date as exact as possible -- that you alleged to have seen the accused Schmidt for the first time?

A I do not know the exact date. It must have been in the beginning of March.

Q And that was, as you said, during an inspection which an Air Corps Colonel conducted?

A Yes, that is correct.

Q And who accompanied that Air Corps Colonel?

A It was a party of three. One of them was the camp physician, the second one was the Air Corps Colonel, and I don't know who was the third party.

Q And what was the rank of the camp physician?

A I did not take any interest in it. I do not know.

Q Who told you that this man was the camp physician?

A The block eldest.

Q Did you ever see that camp physician whom you have recognized here at a later date at the Boelke Kaserne at Nordhausen?

A Officially, not. It might be that he was still present in camp but one did not pay any attention to it.

Q Do you want to tell the court that by the mere fact that you once passed this man in camp you will remember him that well that you have him in your mind?

A Yes, I payed special attention to his features because I wanted to go and see him later on on account of my leg -- I had a fractured thigh -- but I never got a chance to go and see him and consult him about it.

Q Did the block eldest who at that time told you that this man was the camp physician mention his name while he did that?

A Yes.

Q Didn't you state under direct examination that this man would have been an SS Major?

A No.

Q Did you ever hear of a Dr. Irths while you were at Nordhausen?

A No.

Q Have you never been told at your arrival and during the first days of your stay in Nordhausen that up to that time no physician was stationed at Nordhausen at all?

A No.

Q Isn't it a fact that prior to the 14th of March 1945 Dr. Schmidt was never in Nordhausen?

A I don't know. All I know is that I saw him in the beginning of March. I don't know which day of the month it was.

Q Would you say that it is completely impossible that you are mistaken that the man you saw on that day was Dr. Schmidt?

A I know for certain that it was him.

Q Did you see the man standing there or was he merely passing by?

A He was passing by.

(HAENSCHEIN-Cross)

Q Consequently you only saw him for a short moment, is that right?

A Yes.

Q Was the man tall or was he short?

A He was tall.

Q Didn't you ever hear that Dr. Wirths was also tall and was wearing glasses?

A No.

Q You mentioned the Blocks 6 and 7. At the time of your arrival were those blocks already occupied?

A No, we were the first ones in Block 6.

Q Another question in reference to the camp physician whom you saw at that inspection. Was that man wearing a leather coat?

A Yes.

Q Are you certain of that?

A Yes.

Q When were those blocks 6 and 7 constructed?

A We were the first occupants in Block 6 and later on the block was filled up.

Q Of what buildings was the prisoner outcamp Boelke Kaserne comprised?

A It was comprised of two elongated buildings.

Q And those two buildings were separated from the rest of the camp by a barbed wire fence, is that right?

A Yes, and in addition to the wire fence they were separated by SS guards.

Q Is it correct that next to one of those buildings a service station was constructed? I have to alter the question. That immediately in front of one building a service station was located?

A I do not recall a service station.

Q In which of the two buildings, when you enter the Boelke Kaserne, were the two Blocks 6 and 7?

A Coming from the main entrance, on the left hand side.

Q Was that the identical building which had in the second floor the infirmary?

A Yes.

Q And on the first floor of that large building were the Blocks 6 and 7, is that correct?

A Yes.

Q Was Block 6 to the left side of the entrance or to the right side?

A Block 6 was the first block of the Gestapo jail which was standing there as the first -- which was located there as the first room --

INTERPRETER ROLAND CARROLL: Or something. I don't know what he means.

A (continued) It was to the left of the main entrance. The prisoner orderly room was also located there.

Q You said in that room sleeping facilities for the prisoners had consisted of excelsior which was on the floor. Isn't it a fact that later on some beds were put up in that room?

A As long as I was in there only the charge of quarters, the block eldest, and the block clerk had beds.

Q And how was the situation in Block 7?

A It was the same thing in Block 7 also; only the charge of quarters, the block eldest, and the block clerk had beds.

Q You have stated that those blocks were especially fenced in. Was that fencing ever completed?

A Yes, that one side where we went out to fetch our food was

closed. I don't know how it was on the other side.

Q And if you state that Blocks 6 and 7 were part of the infirmary, you base that statement merely on the fact that these two blocks were fenced in, is that right?

A Yes.

Q This is merely a conclusion of yours, is that right?

A Yes, because we blocks 6 and 7 had been declared convalescent blocks.

Q Didn't you ever hear about a controversy between the camp physician Schmidt and the camp leader as to who was responsible for those blocks?

A No.

Q You have been asked at length by the prosecutor about your activity -- I mean, about the length of your activity in camp. Have you been the only charge of quarters in Block 6?

A No.

Q Do you mean to say that your capacity for work and the capacity for work of your comrades was not sufficient to accomplish the work?

A We took turns at night. Once this charge of quarters was on duty and then the other charge of quarters was on duty.

Q How large, in square meters, was the room which Block 6 consisted of?

A It was pretty large.

Q Can you give us an estimate in meters of the length and the width?

A As large as -- as big as this courtroom. Perhaps even wider than that.

DR. AHEIMER: The record will show that the size of this room is 20 by 10 meters.

I believe I was mistaken. It may be 25 meters long and 10 meters wide.

CAPTAIN McGARRY: The prosecution will agree to that statement as an estimation, but we won't be bound to it.

PRESIDENT: It will be noted in the record that it is the defense counsel's estimate.

QUESTIONS BY DR. ARENDT:

Q Did I understand you correctly that the room you spoke of was even larger than this room?

A It was even wider.

Q Isn't it a fact that the room was almost square?

A That might be.

Q You mean to say that the length of that room was approximately the length of this courtroom?

A Yes, but only in Block 6, not Block 6 and 7 together.

Q And now many people were billeted in this block, let's say in the middle of March?

A In the beginning of March when I came there were 600 to 800 but at the end of March it was more than a thousand.

Q How many of those people were capable of doing very light work?

A Thirty percent at the most.

Q And how many people could attend to their own physical needs?

A Fifty percent. And for the other fifty percent, the chargé of quarters, the nurses, and the prisoner physician did that.

PRESIDENT: I am sorry, I think he used the singular, I may be wrong, "nurse".

INTERPRETER: One nurse, I am sorry.

QUESTIONS BY DR. ARENDT:

Q And how many chargés of quarters were you?

A Three.

Q You have stated that those people relieved themselves, some of them right in the room and that the excrements were left lying for two to three days. My question is, now, wasn't it possible to utilize those people who were not that weak to clean up those excrements daily?

A No. That was not possible because the prisoners were lying all day at their place.

Q Do you want to tell the court that it was not possible with three charges of quarters, with one nurse, and one prisoner physician and 50 percent of the prisoners who were able to do very light work to keep at least the floor clean?

A But this was done every three to four days because then all the excelsior was burned, but it could not be done every day because the supply of excelsior was not sufficient to change it every day.

Q Do you know if it has been attempted to increase the supply of excelsior in order to change it every day?

A I only know that the block eldest said, "We have to be economical, there is no excelsior available".

Q Isn't it possible that it was only because somebody was too lazy to get the excelsior?

PROSECUTION: I pray the court's judgment.

DR. AHLEMEIER: I change the question and say, isn't it a fact that one was too lazy to do this kind of work every day.

PROSECUTION: I pray the court's judgment, who is "one"?

DR. AHLEMEIER: I mean to say that those people who were responsible for keeping the place clean were too lazy to sweep the floor every day or have the floor swept every day.

PROSECUTION: I don't think the witness remembers the question. He withdrew the question. There are no objections on the record. I withdraw them as a matter of record.

THE WITNESS: It is not a question of laziness, it was merely a question that the supply of excelsior simply was not sufficient to have this done every day.

QUESTIONS BY DR. AHLEMEIER:

Q But isn't it correct that there was a prisoner physician in the block?

A Yes.

Q Didn't this prisoner physician say, "In this place the trash must be cleaned away every day"?

A As far as I remember he never took an interest in it.

Q What was the name of that physician?

A I don't know. He was a Jewish prisoner physician.

Q Did you yourself come once in a while into the infirmary?

A I was twice in the infirmary.

Q Isn't it a fact that there was an isolated ward in the infirmary for TB patients?

A I don't know. I was not lying in any ward in the infirmary, I only went there for treatments.

Q Isn't it correct that whenever there were any complaints in the block the prisoner physician was obliged to pass those complaints on to the higher authorities and to ask for assistance?

A I know that the prisoner physician repeatedly received cola tablets against diarrhea, but that is all I know.

Q You seem to say that diarrhea was the main illness of which those people in your opinion were suffering, taking illness now as a disease.

PROSECUTION: I pray the court's judgment. The witness has said under direct examination he isn't a physician, he can't tell anything about diseases. I object.

DR. AHLMER: I would like to call the attention of the court to the fact that the prosecutor has mentioned in every single question "sick patients".

PRESIDENT: The objection is overruled.

THE WITNESS: I am hardly in a position to judge that. I know that diarrhea and coughing spells were those signs of illness which eventually led to the death of the inmates.

QUESTIONS BY DR. AHLMER:

Q Didn't you ever hear of the prisoner physician making a remark

saying that the people were not sick, that they were merely undernourished and for that reason they had diarrhea and coughing spells?

A No, I never discussed this with the doctor.

Q Well, you have seen that the doctor had received cold tablets and also distributed them to the people, isn't that right?

A Yes.

Q Do you know if the doctor has used other medical supplies and if he has requisitioned them?

A No, I don't know that.

Q Did you at your arrival at this detail hear that the outcamp detail, Boelke Kaserne, was a day detail at which there were hardly any sick people at all?

A Yes.

Q And isn't it also a fact that newly arriving transports with convalescents and later on with sick people only necessitated the establishment of a larger and bigger hospital, and the establishment of the convalescent blocks?

A Yes, that is correct. In the beginning it was not necessary, but at the end of March when the sick transports came it became necessary.

Q Did you ever hear or see that between the 21st and 23rd of March an unannounced transport of sick people and undernourished people arrived in Nordhausen from Sillrien or Harzungen?

A I don't know where they came from. I only know that in these days repeatedly sick transports arrived.

Q You told the prosecutor that you had not seen any medical examination of those new arrivals. Did you want to say by that that there was no medical examination?

A The sick people were carried into our block and then they were left to the care of the prisoner physician.

(Maienschein-Cross)

Q were not those people before they came to your block examined in a different room?

A I don't know. I did not see that.

Q But you could not say that the possibility did not exist, is that right?

A Those transports which arrived during the day I saw. These men came directly into our block. I don't know what happened to those transports that arrived during the night.

Q Didn't such prisoners who arrived on these transports later on come to the infirmary or to different blocks?

PROSECUTION: I pray the court's judgment. It has been gone over, I don't venture to say how many times. He said he saw them come in the trucks, he saw them unloaded in the block and in the blocks they stayed.

PRESIDENT: Will you please read that question?

(Thereupon the reporter read the last question, "Didn't such prisoners who arrived on these transports later on come to the infirmary or to different blocks?")

PRESIDENT: The objection is overruled.

THE WITNESS: No. The sick people remained in our block.

QUESTIONS BY DR. AHLBRECHT:

Q And how many such new arrivals can you name us?

PROSECUTION: I object. What does that question mean?

DR. AHLBRECHT: I rephrase the question.

QUESTIONS BY DR. AHLBRECHT:

Q How many people from other transports came into your block?

A I know that at the end of March three to four transports, all of them sick ones came into our block.

Q And did the prisoners' physician extend his care to those people?

PROSECUTION: I pray the court's judgment—constant repetition.

DR. AHLBRECHT: I believe the prosecutor will blame the accused, Schmidt, for this. I first have to find out if the prisoner physician whose duty it was to extend his care to those people did so.

THE WITNESS: He took an interest in the patients insofar as he tried to make room for them.

QUESTIONS BY DR. AMELUNG:

Q Did he try to get them into the infirmary as far as that was necessary?

PROSECUTION: I object. How can he know all this business?

DR. AMELUNG: As far as you know?

PRESIDENT: The objection is overruled.

THE WITNESS: That wasn't possible because the infirmary was overcrowded and the prisoners' physician knew perfectly well that it was overcrowded, consequently, there was absolutely no point in his trying to do so.

QUESTIONS BY DR. AMELUNG:

Q Do you know if the accused, Dr. Sonnadt, has ever attempted to receive some additional space for the infirmary since the infirmary was overcrowded?

A That was the purpose of establishing Block 8 and 7 as convalescent blocks, because the infirmary was overcrowded—in order to relieve the infirmary.

Q You spoke about three to four newly arriving sick transports. How many men were on each transport?

PROSECUTION: I object on the ground of immateriality.

PRESIDENT: The objection is overruled.

THE WITNESS: I don't know because we charges of quarters were never informed as to the amount of prisoners on each transport.

(Maienschein-Cross)

Q But you actually saw the arrival of the transports. Can you give us an estimate as to the amount of men who had been on those transports?

PROSECUTION: I object.

PRESIDENT: The objection is overruled.

A That was not possible, because those men did not march in in groups of a hundred or something like that; they arrived one by one,on trucks,or they were carried in some disorganised fashion; it was completely impossible to estimate how many men were on one transport

Q Is it correct that the infirmary was only overcrowded and that the convalescent blocks also were only overcrowded at the end of March?

A Yes.

Q And you don't know what efforts the accused Dr. Schmidt made in order to combat those overcrowded conditions?

A No, I don't know that.

Q Isn't it a fact that every day there was an airraid almost all day long?

A Yes.

Q Didn't it occur also almost every night that an airraid attack was announced, which lasted for hours?

A Yes.

Q Isn't it a fact that on account of this the ration supply was interrupted and made very difficult?

A I don't know.

Q Those overcrowded conditions in the dispensary and in the convalescent blocks occurred at the end of March, namely a few days before the evacuation of the camp, Camp Dora, is that right?

A Yes.

Q When did the outcamp Boelke Kaserne cease to exist?

A That I couldn't say, because I took off during the second bombardment.

Q And when was the first bombardment?

A The first bombardment was two days after Easter, on a Tuesday, at four o'clock in the afternoon.

Q That was consequently on the third of April, 1944, is that correct.

A The second bombardment was on the following morning, around seven or eight a. m.

Q And you took off during the second bombardment; is that right?

A Yes.

Q Isn't it correct that on the occasion of the first bombardment on the third of April, the entire infirmary was destroyed by direct hits?

A The infirmary itself was still intact during the first bombardment. I know that because I myself walked over there, but our blocks 6 and 7 they were hit. Of course, some window panes were destroyed in the infirmary, that I know, and I do not know what was destroyed in the inside, because I had been in the first aid room.

Q Do you know if the buildings were destroyed even more during the second bombardment?

A I do not know, because I did not see anything further. During the bombardment I took off and I did not look back.

Q Who arranged the transports which, according to your statement, departed at the end of March?

A On the transport where I was the rollcall leader made the arrangements.

Q Was it announced at the time that the purpose of the transport was to transport the men to a different place of work, or was it said at the time that the purpose was to decrease the amount of people in camp?

A I don't know what the purpose of the transport was. We supposed that it was already an evacuation.

Q PROSECUTION: I ask that "we supposed" and the rest of it be stricken from the record.

PRESIDENT: The witness' answer, when he "supposed" and what follows after that will be stricken from the record.

Q Was there at the time when the transports were arranged and when the transports were departing, already talk about the evacuation of the camp?

A Yes.

Q Was the transport setup who arrived at Gross Rosen a transport of 1500 inmates?

A There were more. But the transport going to Boelke Kaserne, that was 1500.

Q Did you come to Dora first and subsequently to Boelke Kaserne?

A No; I have already stated that at the station in Nordhausen we were separated, and sick people went to Dora.

COL. BENSON: I would like to have that answer read?

(The answer was read by the reporter.)

PROSECUTION: That is what he said. He had previously said only people able to work went to Boelke Kaserne.

Q What was the name of your block eldest?

A I only know his number. He had number 92,000; and he was a Viennese. He was a prominent prisoner and honor prisoner and he came from Buna, near Auschwich.

Q Wasn't his name Fritz Puster?

A I know for sure that Fritz was his first name.

Q Isn't it a fact that that very block eldest took rations away from other prisoners and sold it to others for money?

PROSECUTION: I pray the court's judgment.

DR. AHLMER: I believe that this point is very material, because the prosecution has interrogated the witness about the food. And the prosecution had the witness state that at the end of March food was very scarce.

PRESIDENT: The objection is over ruled.

(The answer was repeated by the interpreter.)

A That I don't know, because that very block eldest was always at war with us. He always nagged us.

Q Did you ever hear about this affair? I mean, shortening prisoners' rations and selling it to others?

PROSECUTION: I object. He just answered he don't know; just the question before.

DR. AHLMER: The witness did not say that he didn't know. He said "I can't say" and the prosecution also asks witnesses about what they have heard and I believe I have the right also to ask the witness about what he has heard.

PRESIDENT: Objection overruled.

(The question was read by the reporter.)

A No, I did not.

Q Did anybody, towards the end of March, ever complain in the block about the food?

A You cannot talk about complaining, because no complaints were allowed. Where would the men complain?

Q Didn't the prisoners physician ever remark to the block eldest that the food was insufficient?

A I don't know.

Q Didn't you ever talk to the block eldest about the question of the food?

A We knew that the food was insufficient, what is the use of

talking about it? It simply wouldn't change anything.

Q Is it right that you received at that time only half a liter of soup a day?

A Yes.

Q And how much bread did you receive at the end of March?

A The situation as to the bread towards the end of March was a catastrophe. If we were lucky we received ten or even 14 men one loaf of bread a week.

Q Isn't it a fact that daily a horse drawn vehicle came from a bread factory which delivered bread?

A I don't know.

Q Isn't it a fact that all in all, approximately 30 prisoner doctors were stationed at Boelke Kaserne?

A I don't know that either. All I know is about Blocks 7 and 6.

Q Didn't the prisoner doctor in Block 6 ever try to get a second doctor in there?

PROSECUTION: I object. He has already answered it, anyway. I withdraw the objection.

(The witness had answered in German but no translation was made.)

PRESIDENT: The witness will answer the question.

A The prisoner doctor had been assigned another nurse. If he has asked for more personnel or not is something I wouldn't know.

Q You have mentioned that in your block latrines were under construction. How many latrines were already finished by the time you arrived?

A When I arrived there there may have been ten to fifteen bowls available.

Q And later on there were more of them yet, is that right?

A Yes, but by the time I left it was not finished yet; it was

still under construction.

Q "ere these water closets; is that right?

A Yes.

Q Do you want to say that those water closets which were available at the time were not sufficient for the use of the prisoners who had to use them?

A It might be possible that there were sufficient for those prisoners who were able to walk over there. There was a special orderly around there who had to see to it that sanitary conditions were kept around the water closets, but if all the sick inmates would have been able to walk over there, then it would not have been sufficient.

Q You said that daily approximately ten to 15 prisoners from your block went to the infirmary. Did the prisoners' doctor in the block make the decision as to who was to go to the infirmary?

A Yes, in the morning those prisoners who wanted to go to the infirmary had to report to the doctor in the morning after rollcall. The prisoners' doctor then took the prisoners down and he also escorted them back.

Q And you don't know if those prisoners received medical care in the dispensary or not, do you?

A No, I don't.

Q Did any prisoners who had themselves reported as sick enough for the infirmary ever complain to you that they were not treated there?

A No.

Q You spoke about a Dutch priest who, as an assumed dead body, had been taken to the infirmary and then returned. Had this Dutch priest previously been declared dead by the prisoner doctor?

A Yes.

Q Consequently, it was a mistake by the prisoner doctor that this Dutch priest was taken away together with the dead bodies, is that right?

A Yes. And the prisoner doctor was even relieved the very same day and we got another one.

Q Do you know who caused this prisoner doctor to be relieved?

A The block eldest prisoner.

PRESIDENT: The court will recess until 1330 hours.

(Whereupon the court recessed at 1185 hours until 1330 hours 18 September, 1947.)

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AFTERNOON SESSION

(Whereupon the court reconvened at 1330 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present; all of the accused are present; the reporter and interpreter are present; the prosecution and defense are represented by counsel.

At the end of the last session the witness Maienscheim was under cross examination.

PRESIDENT: The witness is reminded that he is still under oath.

HANS JOHANNES MAIENSCHEIN, called as a witness by the prosecution, being reminded that he was stillunder oath, resumed the stand and testified through an interpreter as follows:

CROSS EXAMINATION, continued

QUESTIONS BY DOCTOR AHEIMER:

Q Mr. Maienscheim by whom were you assigned to room orderly?

A By the block leader.

Q By the block leader and not the block eldest.

A Block leader.

Q By whom was the block eldest assigned to his duty?

A The block eldest was usually recommended by the camp eldest and then assigned by the camp leader.

Q If the convalescent blocks had been a part of the dispensary wouldn't the block eldest then have been assigned by the camp doctor?

A The block eldest had already been assigned at the time that the block was constructed or furnished together with us. When block six and seven were assigned as convalescent blocks the block eldest remained.

Q Was this block six of which you are speaking on the East side, that is in the East Wing or in the West Wing of this building?

PROSECUTION: I pray the court's judgement. What difference does it make?

DOCTOR AHEIMER: I believe it is very pertinent where this block was situated because I want to establish what was above this block. We have no sketch of this outcamp and we want to establish what was above it.

PROSECUTION: Why doesn't he ask--What difference does it make where it was if the important thing was what was on top of it.

We are getting a voluminous record and it is beginning to concern me most seriously.

PRESIDENT: The objection is overruled.

THE WITNESS: On the west side.

PRESIDENT: Off the record.

(Off the record discussion.)

QUESTIONS BY DOCTOR AHEIMER:

Q Is it correct that the so-called Boelke Kaserne consisted of more than 10 buildings?

PROSECUTION: I object. It is new testimony so far as this witness is concerned and it is immaterial to anything he said.

DOCTOR AHEIMER: I wish to prove with this question that the so-called Boelke Kaserne was only a small outcamp of the entire territory of the kaserne. The prosecution is trying to connect Schmidt with the so-called gestapo bunker and I am trying to prove here that there is a definite dividing point between these two.

PROSECUTION: Would you mind reading back the question to which I took objection.

(Whereupon the reporter read the last question as directed.)

PROSECUTION: How does that prove it? I didn't believe my own ears at first until it was read to me. How can that question prove the point?

PRESIDENT: The objection is sustained.

QUESTIONS BY DOCTOR AHEIMER:

Q I believe it was under cross examination that you mentioned a gestapo office in Nordhausen. Isn't it a fact that this gestapo office was outside

of the barbed wire enclosure?

PROSECUTION: I object. If anything was said this morning about gestapo I was sound asleep. I don't remember a word being said about gestapo this morning by this witness.

DOCTOR AHEIMER: I would like to point out that the witness mentioned the Gestapo office in connection with my question as to where this block six was situated and he said, "For the time being it was next to the gestapo office."

PROSECUTION: I don't remember it, may it please the court, but I still stand on my objection as to the materiality of the whole business.

PRESIDENT: Off the record.

(Off the record discussion.)

PRESIDENT: The objection is sustained. Continue.

QUESTIONS BY DOCTOR AHEIMER:

Q Is it correct that in the dispensary there were separate departments for surgical, for internal and for contagious diseases?

PROSECUTION: I object. There is no basis for the presumption or assumption that this man knows anything about the division of that prisoner's hospital. He said he was up there twice in his whole life to ask for treatment and he is being asked questions that only a man thoroughly familiar could possibly know.

DOCTOR AHEIMER: The dispensary was in the same building. The witness was there several times so he must know something about the installations.

PRESIDENT: The objection is overruled. The witness may answer the question if he knows of his own knowledge.

THE WITNESS: I was asked this question already this morning and I answered the question with no because I couldn't know about these things. I was not permitted to enter that part of the dispensary which was partitioned off. I was only allowed to go to that part of the dispensary where the bandages were handed out.

Q Did you see or hear that in the dispensary there were also flush

toilets, wash basins and shower rooms in the construction in March, 1945?

PROSECUTION: I object. He has already said he couldn't know the way the things were divided. He was never allowed to go inside the place.

DOCTOR AHEIMER: I asked if he saw or if he heard. I believe that the prosecution asks every witness what he has seen or heard as well.

PROSECUTION: On the further ground that I didn't touch on that on direct examination.

DEFENSE COUNSEL: The last ground of objection, I think, is a point which is not well taken, if it please the court. This witness has testified as to the general conditions and I think if the prosecution wants to make the accused responsible for general conditions in the medical facilities that were available then we certainly have a right to show what facilities were available.

PRESIDENT: The objection is overruled.

THE WITNESS: In the dispensary? No, I don't know anything about that.

Q Did you see or hear that the second floor of the West wing, that is the one that was over block number six, at the end of March was completely turned over for tubercular patients?

A I know that there were also prisoners up there but what diseases or illnesses they had I don't know.

Q But that they were prisoners which were a part of the dispensary you did know, is that correct?

A Yes.

DOCTOR AHEIMER: That is all.

REDIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION:

Q This product of wood upon which the prisoners slept was that excelsior or was that shavings?

A Excelsior.

(Maienschein-redirect)

DEFENSE COUNSEL: If it please the court I am getting concerned about this voluminous record and I don't think it makes any difference whether it is wood shavings or excelsior. I don't think it is material or relevant.

PROSECUTION: Now---

DEFENSE COUNSEL: Therefore, I object to the question.

PRESIDENT: The objection is sustained.

PROSECUTION: Shall I make a move to strike it from the record? It has been answered.

DEFENSE COUNSEL: I make a motion that the answer be stricken from the record.

PRESIDENT: Motion is granted.

QUESTIONS BY THE PROSECUTION:

Q Now when you first came to Boelke Kaserne at the end of February, 1945 I believe you stated--tell me if I am wrong--that you immediately went into what you call Block six, is that correct?

A Yes.

Q I believe you also said that at the same time you went into block six between six and eight hundred people went into that same block with you at the same time, is that correct?

A Yes.

Q You said under cross examination that at the beginning, at the time when these six or eight hundred men went into that block there was enough room but later on at the end of March there was no longer enough room. I want you to describe to this court just exactly how much room there was in block six, at the time you first went in there, for each prisoner? Describe how they slept and how much room there was?

A In the beginning the prisoners had practically enough room so that they could lie down.

Q Describe the situation in the beginning when the prisoners had room

to lie down, how close was every prisoner to another?

A In the beginning when there were not so many prisoners there the space was such that every prisoner could lie down comfortably, but---

Q Wait a second please. How much room was there between each prisoner as he laid down?

A The prisoners were lying next to each other on account of the blankets. There weren't sufficient blankets for every one so that they had to lie next to each other.

Q Did the prisoners lie in every part of the floor in block six or did they occupy only certain parts of the floor? In the beginning please.

A In the beginning the prisoners were lying on both sides of the floor and practically the entire floor was used by the prisoners.

Q How much space was there between the rows of sleeping prisoners?

A In the beginning there were at least one to two meters--a corridor.

Q What are you talking about, a corridor or the space between individuals--the individual prisoners?

A Not between individual prisoners but between the rows of prisoners. For instance there were five rows of prisoners on one side and five rows of prisoners on the other side and between these two there was a corridor where we could walk through.

Q How wide was that corridor?

A One meter 50 to two meters in the beginning.

Q Now we are still talking about the beginning. How much space was there between the individual rows of each side between the head of the men on one row and the feet of the men on another row? How much space was there?

A Absolutely none because they were lying next to each other and above each other.

Q Is that the situation you had in mind when you said there was enough room in the beginning?

(Maienschein-redirect)

A That was in the beginning.

Q And, at the risk of being considered repetitious, tell the court in just a few words what you meant when you said, "At the beginning there was enough room."?

A In the beginning when the block contained between six and eight hundred prisoners it was so that the prisoners could lie down practically comfortably.

Q All right now what was the condition at the end when it became overcrowded?

A When it became crowded the prisoners were lying together like herrings as one would say.

Q What became of the corridor?

A The corridor decreased until about a half meter.

Q Now you testified that there were airraid alarms over Boelke Kaserne from time to time. What happened to the prisoners whenever an airraid alarm was sounded?

A Immediately upon the alert the order was given to lock the dorrs and all the prisoners had to go into the blocks.

Q Were the prisoners, those sick prisoners in block six and seven-- where were they when the alarm was given for the bombardment which partly destroyed block six and seven?

A In block six itself.

Q Was an order issued on that occasion?

A First of all, there was an alert. I remember that exactly. All the prisoners were chased into the block. Shortly after that we heard the all clear. About 15 minutes later the main alarm was sounded and it started off immediately.

Q Where were the prisoners then?

A They were all back in the block.

Q And by whose order?

A The order came from the camp eldest.

Q Now, when you first went into Block 6, what was the status of the block -- at the time you first went into it?

A On the first day there was no excelsior whatsoever present. The prisoners had to lie on the ground the way they were in the clothes.

Q Let me interrupt. I don't mean that. Was Block 6, and 7 -- when Blocks 6 and 7 were made or used as convalescent blocks for the first time.

A End of March.

Q And before that time the same people who were in it when it became a convalescent block were occupying it as ordinary blocks like any other prisoners, is that correct?

A No, the healthy prisoners were then taken out and they went somewheres else.

Q Now, just one more question about this floor washing business. What materials were used to wash the floors and clean them up after the prisoners had relieved themselves?

A Material whatsoever wasn't used at all, only washed off with cold water with a brush and a broom, and that was the end of it.

Q Any soap?

A No.

(MAIENSCHEIN-Redirect)

Q Now, you were talking a little while back about the fact that the prisoner doctor was a Jew. How many Jews were, if you know, in the prisoners' hospital in Boelke Kaserne?

A In the dispensary itself, I don't know exactly. I only know about our Block No. 6; 80 percent of them were Jews.

Q To your knowledge, were any of them ever allowed to stay overnight in the prisoners' hospital?

A Overnight? No, impossible. Nobody was allowed out of the block.

Q Well, I meant to go over there and stay in the hospital as a patient.

A At night, no. No, impossible.

Q Why was it impossible for a Jew to spend the night ---

A At night no prisoner could get out of the block. There was a guard standing at the door so no prisoner could get out. If somebody wanted to go to the dispensary, he had to report to the prisoner doctor and then he was escorted there.

Q Do you know of any case of a Jew escorted to the prisoners' infirmary by the prisoner doctor who was allowed to stay in the hospital for treatment?

A No.

Q Now, when you escaped and walked to Dora, did you go alone or was someone with you?

A I didn't go to Dora; I went in the direction of Heilingenstadt. I didn't go to Dora.

Q Wherever you did go, did you go alone or was someone with you?

A I was alone.

PROSECUTION: Nothing further.

(MAIENSCHEIN-Redirect)

RECROSS EXAMINATION

QUESTIONS BY DR. AHEIMER:

Q Do you know of any case that a Jew reported himself as ill to the dispensary and that he was not accepted in the dispensary because he was a Jew?

A I don't know of any case where a Jew was taken into the dispensary -- as a matter of fact, where any foreigner was admitted to the dispensary. I only know of one case where our block eldest was admitted to the dispensary, and he was a Reichs German.

Q Isn't it a fact that not only Jewish doctors but Jewish nurses were employed in the hospital in Boelke Kaserne?

A Yes, that is correct.

Q You were questioned about a bombardment, I believe, on the 3rd of April, during which a part of the building was destroyed. Isn't it a fact that the alarm and the first bombs occurred both practically at the same time?

A Yes, I just stated that. I said, first we got the all clear, then the alarm, and at the same time the bombs came.

Q You stated before that the end of March Block 6 was declared a convalescent block and the healthy prisoners taken out. Did additional prisoners come to this block after this period of time?

A Yes, that is when the sick ones arrived, but only sick ones came then in the Block 6.

Q And these people were put into Block 6 because there was no room for them in the dispensary, is that correct?

A Yes.

Q And from then on until your transfer there were only 3 to 4 days, is that correct?

A Until the block was declared a convalescent block until my

transfer, that was more. At least 14 days.

Q And who placed these additional pris ners in this block? Was it the Protective Custody leader or the roll call leader?

A That cam e to us through the prisoners' orderly room. These numbers were given to us. Who gave the order for this, I don't know.

PROSECUTION: I am sorry, I would like to ask one or two more questions.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q What percentage of the prisoners taken out of the Block 6 when it was changed over to a convalescent block were healthy, or, so-called healthy prisoners?

A In the beginning, one can not speak of healthy prisoners; one can only speak of people still fit for work. At least 60 percent.

Q 60 percent were what? Were able to do a little work or not able to do a little work?

A Yes, those were people who had come with us from Gross Rosen and were still able to do some work.

Q And these people who could still do some work, from the end of February when they were in there to the middle of March when this was declared a convalescent block -- these so-called healthy people were sleeping under the conditions you described with the type of people whom you have described; is that true?

A Yes, as long as they were in Block 6.

PROSECUTION: Nothing further.

RECROSS EXAMINATION

QUESTIONS BY DR. AUBIMER:

Q Were at this time of which you were just speaking also prisoners among them who were sick or were they just prisoners who were not quite

capable of working?

A The remaining 40 percent consisted of many undernourished persons.

DR. AHEIMER: That is all.

PROSECUTION: Any questions by the court?

EXAMINATION BY THE COURT

QUESTIONS BY PRESIDENT:

Q While you were in Block 6, who told you what to do? Who was your immediate superior?

A The block eldest. He was a prisoner.

Q And who was the superior of the block eldest, if you know?

A The camp eldest.

PRESIDENT: Colonel Thomas.

QUESTIONS BY LAW MEMBER:

Q During the time you were in Block 6, how many times did you see the camp doctor inspect that block?

A The camp doctor, I never saw him in the block at all.

Q How many times did you ever see any SS doctors in that block?

A SS doctor? Not at all. Only the roll call leader.

PRESIDENT: Colonel Benson.

QUESTIONS BY COLONEL BENSON:

Q Were the doors in Block 6 locked when this airraid took place that damaged the block?

A Yes, the doors were closed.

Q Were they locked?

A No, there were only prisoners' guards standing in front of them so that nobody could get out.

PRESIDENT: There are no further questions by the court.

(MAIENSCHEIN-Court)

RECROSS EXAMINATION

QUESTIONS BY DR. AHEIMER:

Q Were you in Block 6 every day?

A Yes.

Q Didn't you state that you relieved -- that you changed with other room orderlies?

A I have stated literally that we changed -- that I changed with other room orderlies. We were three men all together, but we were in Block 6.

PROSECUTION: Excuse me a minute. I think he said something about night, didn't he?

INTERPRETER NELLY SINGER: Yes, I am sorry. "-- that we changed at night."

Q Did you never leave Block 6 from the time that you entered it the middle of March from the -- Did you never leave Block 6 from the middle of March until the first of April?

A Only for short periods to get food and to line up for roll call.

Q And how long were you gone to get food?

A 10 minutes.

Q You also stated that you were in the dispensary twice. How long were you gone on those occasions?

A The first time I was in the dispensary to get the body carriers for our block. That didn't even take 5 minutes. And the second time was during the first bombardment when I was wounded. Otherwise, I didn't -- Well, one goes out of the block and one goes back again.

Q Do you want to say that in your absence it was not possible that the camp doctor looked at the block?

PROSECUTION: I pray the court's judgment.

PRESIDENT: The objection sustained.

QUESTIONS BY DEFENSE COUNSEL:

Q Now, it is a fact, is it not, that the roll call leader was superior to the camp eldest?

A The actual superior of the prisoners' camp eldest was actually the camp leader, but the roll call leader was also his superior.

Q And, during your time there, did you ever have any inspections by either the camp leader or the roll call leader?

A Yes.

DEFENSE COUNSEL: No further questions.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q What did these inspections consist of?

A The roll call leader ofter made inspections, but in this sense: that the doors were always to be closed so that the people from the outside could not see when the prisoners deloused themselves.

PROSECUTION: Nothing further.

RECROSS EXAMINATION

QUESTIONS BY DR. AHEIMER:

Q Wasn't a delousing station constructed the end of March? Wasn't a delousing installation put into use the end of March?

A Yes.

Q And weren't all of the prisoners deloused at that time?

A Yes.

DR. AHEIMER: No further questions.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q Were they given clean clothes or did they still have to wear the same clothes?

A The clothing -- There was an automobile standing there -- I don't know what you call it -- and there was hot steam, hot water, and the clothing was deloused, and they had to put this clothes back on immediately.

Q And during the time the clothing was being deloused, what did the prisoners lying on the floor in this place, in March, have to wear?

DEFENSE COUNSEL: I object to that, if the court please, on the grounds that the witness has testified that these people were taken to a delousing installation to be deloused and they were necessarily lying on that block 6 or 7.

PRESIDENT: The objection is overruled.

A They had no clothing whatsoever. I personally had to stand in the nude for three hours until my clothing was ready. The delousing installation was a mobile automobile which was driven from block to block.

RECROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q In other words, this delousing outfit came up to the Block 6, is that right?

A Block 6 and 7 were deloused at the same time, yes.

Q Was there anything to prevent the prisoners from wrapping the blankets around them while they were waiting to be deloused?

A No. Afterwards, when they had their clothes, the blankets were deloused.

DEFENSE COUNSEL: That is all. No further questions.

EXAMINATION BY THE COURT

QUESTION BY COLONEL BENSON:

Q Did every prisoner have a blanket to wrap around him?

A No, the prisoners were lying next to each other the same way as at night, and they put one blanket around them.

PRESIDENT: Any further questions? It seems to me we have gone into this just as far as we need to. There are no further questions by the court.

PROSECUTION: May the witness be permanently excused?

PRESIDENT: Does the defense ha e any objection?

DEFENSE COUNSEL: We would like temporary release of this witness, if the court please.

PRESIDENT: The witness will be excused for the time being.

(Whereupon the witness was excused and withdrew.)

PROSECUTION: May it please the court, I since this morning -- when I made the statement I intended to request reconsideration by the court of the co rt's decision in striking from the record certain evidence by the witness Weiss. I have read the record and I am prepared to argue my request for reconsideration at this time.

PRESIDENT: You may proceed.

PROSECUTION: I have read the record. I must confess I don't remember in detail or in any great detail, but just by my impression of it. And in support of our motion where some particular factor may be clouded to some extent, I desire permission to reintroduce the witness on the stand for the purpose of clarifying them. There were two arguments of a negative nature which were given by the defense in support of its motion, one was to the effect that these happened in Bergen-Belsen, and that the Bergen-Belsen case had been tried.

The nomenclature by which legal proceedings are designated are not the important thing, we submit, but rather whether or not the person concerned committed an offense for which he may be tried by this court, just as in this case here there are in the first instance the charge alleges a common design which is nothing but the American word "conspiracy". The language is "acting in pursuance of a common design during various periods with each other and with divers other persons".

The fact that people in Bergen-Belsen might have come into the picture, and I say that purely as a supposition because there is no evidence to the fact that they did, but for the sake of my argument let's assume that they did, these other persons are sufficiently encompassed in the words "divers other people", so the phrase "of other people" taken per se without reference to any other factor would not be a ground for the allowance of the motion.

The law is full of instances of charges of conspiracy of persons unknown and even with persons who at the time of trial were dead. Yet the charge of conspiracy stands. The whole ground of the motion, as it seems to me, lies not on the question of personalities but on the question of distance, the ground being that it is conspiracy. Or it can be contended that the charge, that this conspiracy was created or came into being or was carried out at Dora and around Dora, and that the language of the charge itself drops the conspiracy within the environs or confines of Dora and not beyond. Just how far "at or near" goes, I am sorry I can't say, but I do

know that distances as much as 100 miles have been officially determined to come within the meaning of the words "at or about".

Now, it has been argued that this is a charge that these people engaged in a conspiracy at Dora, but when they came as far as Bergen-Belsen and went into the physical confines of Bergen-Belsen, then they were cleansed as far as the future actions of these prisoners were concerned of everything they had done before. In other words, as soon as they had stepped across an imaginary physical boundary they could not be charged of what they had done to these people, even if it was a deliberate furtherance of what they had planned and done in Dora. That, to me, may it please the court, just is not sound reasoning.

Now, we claim that these people, among others, the accused, entered into this conspiracy at Dora and continued to carry out that conspiracy until the force of the Allies stopped them and not before. Now, it isn't even argued that what these accused do to these prisoners on a transport, no matter how long the transport takes, for instance, this transport to Bergen-Belsen lasted 11 days until it got to the camp, and everything that happened on that route no matter how far, no matter how long that route took to go over, they can be charged and tried for that, but what happened the very next day no matter by stepping over a certain line, they are excused from as far as this court is concerned.

Now, the evidence isn't as clear or the record isn't as clear as I would like to see it. I am stuck with the record as far as any argument is concerned unless my desire to introduce evidence to clear up the record or to introduce additional evidence at that particular point is allowed, but let's take the record as it stands. Who picked out these 150 people? Hoesler from Dora. His name has been mentioned in this case a number of times, in fact, they are trying to blame him for everything that happened in Dora. Who else? Helbig. He was from Dora. And we are assuming, which this court has no right to do that what they did was under orders of

somebody else, and even if it were true, it wouldn't make any difference in our opinion. Now, when did it happen? The very next day. The record does not even indicate whether "the next day" means 24 hours or less than 24 hours, but there is nothing in the record to state whether it happened one foot over the boundary line or 50 feet over the boundary line.

And then a great deal is made of the fact they were taken down to another place, an air field. What would have been the situation if they had marched these people out from Dora to an air field, and there they were made to do what they did at that particular air field. Would that have excused him because it happened at an air field or that somebody else was in command at that air field? No more than they should be excluded for making these people work their guts out for the mittelwerke. The place where this happened was immaterial. They were all present using it. That air field might just as well have been 10 to 15 miles from Dora. The only thing which counts is that part which is brought into effect, that they were marched into Bergen-Belsen, and next day marched by the people who bossed them and murdered them and who generally raised hell with them. And just because it happened in a different spot, this man cannot be made to be answered for here before this court.

And I submit with all due deference that it was an error of judgment on the part of the court, and with that I now ask the court most respectfully to reconsider. And just one other thing. Now, the composition of the group, according to the record, was German, some Frenchmen, and I presume other foreigners. Neither side objected and asked to have the presumed stricken from the record, but the record stands to include Frenchmen, which is enough to bring it within the category of persons in whom this court is interested. Now, the record isn't clear, and after my final point, I want to thank the court for its patience with me, there is no direct evidence that this 150 people who came to Bergen-Belsen from Dora, at least that was the argument, there is a clear inference in the

record that they were identical with the people who came from Bergen-Belsen and enough I think to support my argument, and I would like to read what it says to you. It says:

"Q What can you tell the court about Helbig, other than what you observed in the clothing supply room?

A Yes, he is one of the last that went on a transport from the clothing supply room and we went to Bergen-Belsen. The next morning we had to line up--we Reich Germans. Among others there were Frenchmen and I presume other foreigners. That was on orders of Moessler, but Helbig was standing there."

He is using "we" all the time in reference to the transport which went to Bergen-Belsen from Dora, and there must be a presumption, not a presumption itself, a definite conclusion based on context that when he says, "We were lined up with the people who went on the transport" that the same people or rather that the same people who were lined up were part of the people who went on the transport. It is an important matter, and if there should be any question, I should prefer to put the witness back on on two limited points or perhaps only one to determine whether or not these 150 people were people who came there from Dora. I think that, as a matter of fact, that would be the only point. I think it is sufficiently clear in the record, and I respectfully pray reconsideration.

PRESIDENT: The court will recess for 10 minutes.

(Whereupon the court recessed at 1450 hours.)

* * * *

(Whereupon the court reconvened at 1510 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all the members of the court are present; all of the accused are present; the reporter and interpreter are present; the prosecution and the defense are represented by counsel. At the end of the last session a motion was before the court.

PRESIDENT: Before the defense is heard, Colonel Berman, is it your intention to put a witness back on the stand?

PROSECUTION: It was my wish or the prosecution's wish for the very limited purpose of clearing up any question that might be as to the original identity of this group of prisoners.

PRESIDENT: You have the court's permission, if you wish to do so.

PROSECUTION: Since he has been excused, I don't know whether he should be resworn or not.

PRESIDENT: The witness is reminded that he is still under oath.

PROSECUTION: The name of this witness is Herbert Weiss.

HERBERT WEISS, recalled as a witness by the prosecution, resumed the stand, and being reminded that he was still under oath, testified further through an interpreter as follows:

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q Mr. Weiss, you testified, I believe, yesterday about an incident which began at Bergen-Belsen and ended at an airport. Do you recall that testimony?

A Yes.

Q You mentioned in the course of that testimony a group of 150 prisoners which comprised that group. Do you remember saying that?

A Yes.

Q You were one of that group?

A Yes.

Q And you had come to Bergen-Belsen the day before that from Dora. That is true, isn't it?

A Yes.

Q Where did the other 149 come from?

A Also from Dora.

Q Now, in the course of your testimony you were asked for the nationality of these 150 people. Would you mind restating again just what the nationality of these 150 was?

A They were various, Jews, foreigners, Frenchmen among them.

Q Now, by "various foreigners", what do you mean?

A Belgians, among others, and one Frenchman for sure--I didn't know the nationality of the other man.

Q And you also mentioned some German nationals?

A Yes.

Q What time of day did you come to Bergen-Belsen?

A It was around noon--it was very hot.

Q And when was it that the 150 were lined up?

A On the following morning between the time of 8 and 12 o'clock noon.

Q Who were the people who gave the orders to the 150 prisoners to assemble and line up?

A I assume Hoesler because Hoesler was standing there. He was fetched from the block.

Q From what camp did Hoesler come?

A In Dora.

Q And who else was there when these 150 people were lined up?

A Various SS men. Helbig was among them.

Q And Helbig came from what camp?

A From Dora.

Q And these other SS people you mentioned--from what camps did they come?

A Also from Dora.

Q And who gave you the order to march out of the camp?

A That I couldn't say. Hoesler was there and Helbig was in the rear and several SS men.

Q And were these several SS men the same SS men who were there when you assembled?

A Yes.

(Weiss-Redirect)

Q And during the entire time that you were--from the time you left the camp with Boesler and Helbig and these 33 people until the end of the whole affair you told the court, who was in charge of your group?

A Helbig.

Q And that is the same Helbig that you first met in Dora?

A Yes. He had, with the detail, the rank of SS Tech. sergeant.

Q And how many of this group, mixed group of Belgians and Frenchmen and Germans and other foreigners survived that experience?

A Five men.

Q What happened to the rest of them?

A They vanished.

Q What do you mean by"caput gegangen"?

DEFENSE COUNSEL: If the court please, I would like to enter an objection to this line of questioning now. It was my understanding that this witness was being put on the stand for the purpose of clarifying the record as it stands, so that the court could intelligently pass upon the motion. Now what the prosecution is doing is amending a faulty record, or what he considers to be a faulty record, possibly, by putting in a complete new set of evidence, where it happened, when it happened, and the entire thing is prejudicial to the accused. If the decision is at a later date made that it will be stricken, the court has heard all this prejudicial evidence against the accused; and we believe he has gone far beyond what would be ordinarily allowed. This testimony would be admitted after motion was granted to open up the case. This testimony, I believe, is not correct.

PRESIDENT: The testimony of the witness Weiss now on the stand will be held to the merits of the motion now before the court.

PROSECUTION: I don't mean to go beyond it; if the court is of the opinion that I have, I will stop right now. I have nothing further. I am even willing that some part of it that I asked, which went beyond the line, be stricken physically, if necessary, from the record.

PRESIDENT: Is there any cross examination?

DEFENSE COUNSEL: Not, if the court please, at this time. If

the motion of the prosecution is granted this matter can be reopened. Then this witness, I presume will be put upon the stand again and we will then cross examine him on the merits of the case, not on the merits of the motion.

PROSECUTION: I think the motion is that the evidence is--I was going to say to restore to the record evidence which may be stricken from the record, but I will agree to what Major Poudella said, I see that something in addition has gotten in. I am perfectly willing that any cross examination that may be desired of this witness be made after the decision of the court.

PRESIDENT: The witness will be excused for the time being.

DEFENSE: If it please its honor the court, my colleague of the prosecution has urged his case for reconsideration of the court's decision on motion to strike, very adroitly, and very forcefully. However, I believe that the case has to be presented exactly as it is. The basic grounds which prompted the motion of the defense to strike were two in number. Number One: That the evidence which was brought out by the witness Weiss was too remote not only as to distance--although it is too remote as to distance, in the opinion of the defense. I believe the court can take judicial notice of the fact that Belsen is over 300 miles from Dora. The prose ution, by their own words, have stated that in some cases they have even considered transportation as far as 100 miles and he states that as his outside figure. Furthermore, this Hagenau airfield was even more removed in distance from Belsen, so there we have two removals from the original place to which these charges are supposed to be confined. But perhaps the more important reason for the motion of the defense was the logical remoteness of the action from the original operation of the camp Dora, as it is contained in the charges. It is a matter of record that the camp at Bergen Belsen was a separate and distinct unit from the camp at Dora and it is not the contention of the defense that simply by the closing of an artificial boundary a person can cut himself off from

actions which he committed in the past. Here we have not a question of what the accused did at Dora or on the transport from Dora to Belsen, but something that was done after the arrival at Belsen when the logical connection had been severed and an entirely new operation had been commenced, which new operation was the subject of a trial by the British authorities and was entirely gone into. I respectfully submit to the court to the court that in the testimony which the witness gave there was a new force set into motion where the old force had come to rest. Furthermore, the mere identity of a person, either of the accused or identify of victims, bertainly is not enough to justify an ancillary inquiry at this time as to what transpired after this new transport was organized. If mere identicalness of personnel is going to be the test, then we respectfully submit that this entire case should have beentried in the Buchenwald case, since almost every single prisoner, and all of these accused who came to Dora came from Buchenwald and therefore it can be logically said that the Buchenwald trial should have tried these people and should have considered the operation as part of the Buchenwald operation;and, similarly, if that is the case, then we should be trying these people for what they did at Buchenwald; and I don't believe that even the prosecution would urge that we enter into an inquiry here as to what these accused did at Buchenwald.

In the last analysis, if it please this honorable court, this whole question is a matter of logic and commonsense. When a court is going to go into an inquiry about crime or crimes it is necessary, at some place to limit inquiry as to time and place. Wholly because of the element of necessity in these War Crimes cases, the charges which are filed are so general in nature that it is very doubtful whether they could possibly stand up in any civil court in the United States or in any military court of court martial nature. We recognize that, because

of necessity, because of the scope of the operation, because of the dissemination of witnesses, it is necessary to relax these rules somewhat. However, to permit an inquiry into an operation which is not in any way logically connected with the operation of Camp Dora and which in no sense could fall within the language, even the vague and general language contained in this charge sheet is, I respectfully submit to this court, opening the door to long, exhaustive researches into matters which would never permit a case to be tried on its merits.

My honorable colleague proposes that the criterian of when the operation of camp Dora should logically cease should be when it was put to a stop by the force of the Allies. Should the court adopt that as a criterian, then, logically, if one of these accused had escaped or passed over into a neutral country and there subjected any prisoner from Dora to indignities a thousand miles away, perhaps, since the force of the Allies did not stop him in a neutral country, therefore we should go into that inquiry as well. Therefore, in logic and good conscience it is my request that the inquiry be limited to the logical operations of Camp Dora and its subdetails and such transports as left Camp Dora, and at that point the inquiry should cease, and I respectfully request the court to stand on the ruling on the motion wiich was made by the defense yesterday.

PROSECUTION: I would like to have just a word or two. It will probably be more than that, but I mean just one idea I want to develop.

I agree with the defense that there must come a time when an operation ceases, but I submit respectfully to the court that that time is not fabricated out of distance or place. Whether these prisoners who left Dora under the control of these men maintained their identify as a group of Dora prisoners or became merged with the general population of Belsen is not a question of time or space or distance but a question of fact as to what took place.

I have been searching my mind for an analogy to explain the distinction which should be the governing factor as I see it, and the only one I could find I found in the law of contract.

If you deal with an element such as wheat or corn which when mixed with other wheat or corn loses its identity and can't be separated from the rest of the wheat or corn with which it is mixed you have a situation analogous to the situation here.

For instance, if I have a sack of corn and somebody steals it on me and I catch him while my corn is still in the sack separated from any other corn I can go to court and say, "Give me back my corn. That is my corn.", but if that corn is mixed with somebody elses corn before I grab him I can't get my corn back because it has lost its identity by being mixed up with another element of the same kind. The same thing with these prisoners. If they had come to Bergen Belsen and had been picked up by the administration in Bergen Belsen and had lost their identity as a group of prisoners from Dora and became merged with the other prisoners at Bergen Belsen so that there no longer was any way to pick out a group itself and say, "You are Dora people and you are separate and distinct from Belsen people." If that time had come I agree with the defense. But the evidence here is all to the contrary. So far as the evidence before this court is concerned this group of Dora prisoners were temporary sojourners in the land of Bergen Belsen and were still Dora people subject to the same control of the Dora people and had never passed into the control of Bergen Belsen. That, I submit to the court, is the time when the interest of this court ceases and that time hasn't come in this case.

DEFENSE COUNSEL: The analogy of my worthy colleague to fungible goods is rather good, but I should like to site for the court the analogy from the law of torts and criminal law. After all we are dealing here with criminal law. That analogy is the one to proximate cause.

When a cause is put into operation, once it comes to rest and another cause comes into operation the original cause can no longer be deemed to be the precipitating factor in the result and the reason behind this rule of law is exactly the same logical reason which the defense is urging on the court, namely, that the law and the courts will not go in to far removed causes. As the famous example goes; if you want to trace things far back enough then the only people that can be tried are Adam and Eve.

PRESIDENT: The court will be closed.

(Whereupon at 1555 hours the court was closed.)

(Whereupon at 1620 hours the court was open.)

PRESIDENT: The court is open.

PROSECUTION: Let the record show that all members of the court are present; all of the accused are present; reporter and interpreter are present; the prosecution and defense are represented by counsel.

At the end of the last session there was a matter before the court for consideration.

PRESIDENT: The motion of the prosecution for the court to reconsider its action of yesterday in relation to its ruling of yesterday in relation to the witness Weiss is denied.

Before the prosecution proceeds the court would like to recall the witness Weiss for questioning by the court.

PROSECUTION: He is here.

PRESIDENT: It is the court's understanding that the prosecution wishes the witness Weiss to be permanently excused. Therefore the court is recalling him at this time instead of some later period in the trial.

PROSECUTION: That is perfectly agreeable to the prosecution.

HERBERT WEISS, formerly called as a witness by the prosecution, was called as a witness by the court and being duly reminded that he was still under oath, resumed the stand and testified through an interpreter as follows:

PRESIDENT: Off the record.

(Off the record discussion.)

PRESIDENT: If you wish to make such a motion now, proceed.

DEFENSE COUNSEL: If it please the court, I would like to move at this time that the testimony of the witness Weiss which was given in support of the prosecutions argument to reopen the question of the motion of the defense to strike his testimony of yesterday from the record be stricken.

PROSECUTION: I take vigorous exception to it.

PRESIDENT: The motion of the defense is denied.

EXAMINATION BY THE COURT

QUESTIONS BY MEMBERS OF THE COURT:

Q On or about April 15 at Bergen Belsen did you see or did you hear anything about the shooting of two Jews by Helbig?

A No.

Q PRESIDENT: There are no further questions by the court and the court has no desire to keep this witness further.

PROSECUTION: Well I renew my request that he be permanently excused.

DEFENSE COUNSEL: The defense has no objection.

PRESIDENT: The witness Weiss will be permanently excused.

(Whereupon the witness was excused and withdrew.)

PROSECUTION: This morning, may it please the court, I stated that at the end of the day I was going to request a recess until Monday morning at nine o'clock and at that time I gave the reasons for it which I will not repeat at this time. I now press the motion or bring the motion up for the consideration of the court with the suggestion that if that motion is favorably considered by the court that the recess begin at this time. I only have perhaps 15 or 20 minutes and I have a very important witness to begin with. I suggest that we recess now.

DEFENSE COUNSEL: No objection.

PRESIDENT: The motion of the prosecution is granted. The court will recess until nine o'clock Monday morning.

(Whereupon the court recessed at 1630 hours.)

MILITARY GOVERNMENT COURT

CASE RECORD

VOLUME 29
Pages 1914 thru 1975

CASE NO. 000-50-37

PROSECUTOR Lt. Col. Am. Berman

~~XXXXXXXXX~~
~~XXXXXXXXXXXXXXXX~~ MILITARY COURT
GENERAL

DEFENSE COUNSEL Maj. L. Poullada
Nelly Singer, Roland

INTERPRETERS Carroll, Dr. F. Frankl

PLACE Camp Dachau, Germany

REPORTERS Gloria L. Spears
Mabel D. Holt
Peter L. Di Curti
Eunice L. Hasdorff

DATE September 22, 1947

WITNESSES

VALENTIN KOVALJ

TADEUS GARCZYNSKI

GUY CHERAILLARD

ACCUSED ARTHUR KURT ANDRAE, et al

ADDRESS _____ SEX _____ AGE _____

	FIRST CHARGE	SECOND CHARGE
PLEAS		
FINDINGS		
PREVIOUS CONVICTIONS		

SENTENCE

IMPRISONMENT (TERM _____
(BEGINNING _____ 194_____

FINE AMOUNT _____
TO BE PAID BEFORE _____ 194_____
FURTHER TERM OF _____ IMPRISONMENT

CHARGE SHEET AND RECORD OF PROCEEDINGS ARE ANNEXED HERETO.

_____
SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY _____

_____

_____
SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

R E C O R D O F T E S T I M O N Y

in trial of

THE UNITED STATES versus ARTHUR KURT ANDRAE ET AL

by

GENERAL MILITARY GOVERNMENT COURT

tried at

CAMP DACHAU, GERMANY BEGINNING 7 AUGUST 1947

22 September 1947 Pages 1914 thru 1975

T E S T I M O N Y

WITNESSES:	Direct	Cross	Redirect	Recross	Court
VALENTIN KOVALJ	1914	1925	1955	1963	1952
TADEUS GARCZYNSKI	1956	1961			
GUY CHAMAILLARD	1969	1973	1975		1974

MORNING SESSION

(Whereupon the court reconvened at 0900 hours, 22 September 1947.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all the members of the court are present; all of the accused are present; the reporter and interpreter are present; the prosecution and defense are represented by counsel. There is a new witness to come before the court, Valentin Kovalj.

VALENTIN KOVALJ, called as a witness by the prosecution, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q State your full name, your age, and your address, please.

A Kovalj, Valentin; 35 years of age.

Q Where do you live?

A Augsburg.

Q What is your occupation?

A Automobile mechanic.

Q And your nationality?

A Ukranian.

Q Were you at one time a prisoner in the concentration camp Dora or any of its subcamps?

A In Nottleberode.

Q From when to when?

A From approximately May, June '44 until the 4th of April '45.

Q What kind of work did you do in Nottleberode?

A I worked as a machinist in Nottleberode in the Thyra works, Heinkel works.

Q Did you do any other kind of work besides that?

A After air attacks when the work was interrupted we were driven to work in Stampeda.

Q What was the work in Stampeda?

A That was work with rocks; subterranean tunnels were built for factories.

Q Now, while you were in Rottleberode you met some of the SS and other people working there. Will you look around the room and see if you can identify any of the people you met in Rottleberode? Will you go over close to them, and if you see anybody you know, point them out--go right up to them.

A I can see from here.

Q Go right up close there.

A That is the commandant, Brauny (indicating).

Q Go right up to him and point him out.

A (Indicating); the clerk; Maischein.

Q What is the name of the clerk?

A Ulbricht.

Q And what is the other man you recognized?

A Maischein.

Q And what was he?

A I know that he worked in the dispensary in the main station.

Q What did you first say when you first recognized him that he was?

A Doctor--I don't know for sure.

PROSECUTION: Let the record show that the witness has identified the accused, Brauny, wearing placard Number 2; the accused Ulbricht wearing placard Number 17; and the accused Maischein wearing placard Number 12.

Q When did you first meet Brauny at Rottleberode? Approximately, the best you can remember?

A I know that at the time that I came to Rottleberode Brauny wasn't there yet but approximately three months after my arrival Brauny as the commandant arrived.

Q Will you tell me approximately what month that was, what year?

A I cannot say the exact month. I do know it was in 1944. It may have been in either September or October.

Q When did you first meet Ulbricht?

A Ulbricht was there all the time, right from the day when I got there.

Q And now about Maisenheim-- when did you first see him, as far as you remember?

A I cannot say for sure if he was there right from the first day; when I arrived there I saw him occasionally and I am certain that I did see him in camp.

Q Now, you said that you worked at Stampeda. Was that before Brauny came or after Brauny came, or was it both times?

A At the time when he was there.

Q Now, will you tell the court what you saw at Stampeda after Brauny was there in camp?

A I was several times in Stampeda. During the time that I was there Brauny came several times with his deputy, Lange. They carried wooden clubs in their hands, and they drove the people to work with those wooden sticks at their places of work. I myself was once carrying, together with three other comrades, a large wooden door which was the door to a tunnel, and then those two men came and they chased us with the sticks which almost made us fall to the ground.

Q Did that take place in Stampeda?

A Yes, that was in Stampeda. And every time when he arrived there was some kind of a circus there. The German civilians came out of their departments, and there was a small brook running, and those people were chased into the brook with rocks which were thrown at them.

Q Who was chased into the brook?

A Mostly Jews were chased into the brook, but I do recall a case where an Italian was chased into the brook.

Q What time of year was this?

A It happened during the whole year; it happened in spring; it happened in fall; and also in the winter. When the prisoners were chased back to camp from work they had to carry a rock which was approximately 20 pounds--which weighed approximately 20 pounds--and they had to carry that rock for about 5 to 6 kilometers.

Q Let's stick a little bit to the brook. What happened to the people who were chased into the brook? Describe this business to the court.

A Some of those people were slain in the brook. Every time when the men would return from Stampda to the brook three or four people were carried along.

Q How were they slain in the brook?

A With rocks, with shovels.

Q Who was present when these killings took place?

A Everybody was present--the inmates were present, the civilians who were working there.

Q Who threw these rocks, and who beat these people who were chased into the brook?

A There were capos; there were foremen; and whenever the commandant was there, he also participated in it.

Q Who was the commandant?

A Braunv and Lampe.

Q How often did you see Braunv at this brook throwing rocks at the prisoners?

A I saw him once.

Q What did he do then?

A He was standing there with his arms folded like Napoleon, and whenever it was necessary, he also took a hand in it.

Q Just what did "taking a hand in it" mean--what did you see him do?

A How am I to understand this? He took a stick and he hit. If the people were slain or if they were crippled by it, that I wouldn't know.

Q Did you personally see people taken out of the water and brought back to camp?

A Yes.

Q What was the condition of these people whom you personally saw taken out of the water and brought back to camp?

A Either they were dead or they were half dead. If they were not dead they were finished off in camp. That was the end of it.

Q Were any dogs in Rottleberode?

A There was one dog there.

Q Can you tell the court anything about this dog, what it was used for?

A It was a large police dog, and this large police dog belonged to a dog leader, and then there was a second dog.

Q What did these dogs do in camp--what were they used for?

A Those dogs were set upon the people. The people were chased by these dogs. I remember a case during which I was walking into the woods. We were to cut wood and then he set the dog upon us, and we had to run for about three kilometers, and the dog attacked us and he tore us apart. There was also a Ukranian at work, and this man had fallen asleep, and that dog literally tore him to bits.

Q What happened to this Ukranian?

A He was torn to bits by the dog.

Q When the dog was through, was the man dead or alive?

A I don't know what eventually happened to the man--he was taken away in a truck. On account of that one man there was a special roll call in the camp and then he was found and then the dog tore him apart.

Q Well, was he dead after the second time, or alive?

A That was the same case and I don't know if he was dead or alive; he was taken away.

Q Were there any Jews in Rottleberode?

A Approximately 500 Jews were there.

Q What can you tell the court about what happened to these 500 Jews?

A Every day some of these Jews were slain and after about three or four months, approximately 150 were left over.

Q What was the period in which all these things happened?

A November, December, January, February; something like that.

Q Now you identified the accused Ullbricht. What can you tell the court about Ullbricht?

A I know that Ullbricht were a green triangle.

Q What was his job in camp?

A He was chief clerk in camp. As far as his relations with prisoners were concerned, he naturally did not have the same authority like the commandant, but nevertheless he attempted all the time and he did his best to torture them.

Q What was his relationship with the commandant?

A Personally I don't know, but it was told in camp that he was a spy of the commandant. He especially hated the Jews, made special roll calls for them; during the night he chased them out into the night barefooted. He was especially fond of using the rubber hose and with that I personally witnessed once he beat the Jew until the man was done and had to be carried away. And then I recall another case, it was the case of a young boy, he was in charge of quarters and this man was beaten to death by the clerk and somebody else. I do not recall his name. His name was either Dobravolsky or Dubrovsky, I do not know for sure which one it is. This person whom I have just mentioned was during the last

time charge of quarters in Stampeda.

Q Where was this young person beaten to death and when?

A It was said that this young man had taken some dollars away from the Jews and had not turned them in and on account of that he was tortured and beaten for five days.

Q Where was he tortured?

A In camp.

Q When? As best you can remember, when?

A It was during the night. Of course everybody saw it.

Q What month? Approximately?

A January, February.

Q What year?

A 1944. Of course I mean 1945.

Q By whom was he beaten during these five days, and with what?

A As far as I have seen the clerk and charge of quarters by the first name of Tony, beat him. Who else beat him in addition to that I wouldn't know; they beat him with boards from the beds and with a rubber hose and God knows with what else.

Q And what finally happened to this young man?

A Finally he was thrown into the chamber where the dead bodies were lying and he was taken away and buried like a dead dog.

Q You told the court about one case you saw where Ullbricht beat a Jew to death. Where did this happen?

A That was in the room. In the room on the stairs.

Q What was in this room on the stairs?

A That was a turn of the staircase near the exit.

Q Do you know where Ullbricht's room was?

A That was where for some time the supply room was, and he also slept there.

Q What kind of supply room was there?

A That was the clothing supply room of the dishes they kept there.

Q Whose clothing supply room was it, prisoners' or the SS?

A For the prisoners.

Q Can you tell the court the approximate time, or month, when this Jew was beaten to death by Ullbricht?

A That was around December or January. I cannot tell you exactly the date. How am I expected to know this, because there were beatings going on every day?

Q These beatings that took place every day, by whom were they given, and who was being beaten?

A Everybody was beaten already in the morning. A driver even got beaten with rubber hoses. Then they chased us down for breakfast and we were beaten again.

Q Now you also recognized Maischain. What can you tell the court about Maischein?

A There is only a little I can tell you about Maischein. But it was said in camp that whenever Jews would get in the camp they would not leave it alive.

Q Where did they come, that they didn't leave alive?

PRESIDENT: Wait a minute. Was there a correction to that?

INTERPRETER CARROLL: But it was said in camp when the Jews got there they did not leave alive. Instead of thermometers he had long sticks one thicker and longer than the other.

Q Who had these thick sticks?

A They were standing there in the dispensary. Whenever a man entered the dispensary for treatment they took his temperature with these sticks, and if a man could stand it then they chased him back to work. I wouldn't say that everybody was beaten that way, because, after all, there were people lying in the dispensary, but it did happen to me also once, that I was beaten in that fashion. And especially Jews were treated that way. I myself witnessed

once when Maischein and a great big negro were beating a man until he remained lying like a log.

Q What happened to this man? If you know?

A He was dragged away by the legs. I didn't take any interest. We knew already when anybody is dragged away by his legs he finally comes into the death chamber.

Q Do you know whether or not Jews were admitted to the dispensary?

A Yes, Jews were actually admitted in the dispensary but I do not know for certain if it is true, I only heard that once they were admitted to the dispensary they were beaten in such a terrible way that they finally ended up in the morgue.

Q Now you told the court that about 350 Jews out of 500 died in Rottleberode from November to January. From what causes did they die? You mentioned some.

A The cause of their death was not disease or illness; it was mistreatment, beatings and similar things.

Q Now can you mention some of these things that you include in the term "similar things"?

A Those were the methods by which they were still alive; that is perfectly clear.

Q You have mentioned beatings and you have mentioned the brook in Stampeda. Can you tell the court some other causes why 350 Jews should die in such a short period of time?

A There were no other causes, except physical exhaustion.

Q Now you have mentioned the fact that those Jews who were taken into the dispensary never came out. Some were beaten to death. Did some of them die in the dispensary for any other reason or through any other method?

A The Jews got there on account of injuries which they had received during beatings. Of course it did happen also that somebody got there be-

cause he was actually ill, but it was one out of a thousand.

Q You called Maischain a doctor. Dr. Maischein. Why did you call him Doctor Maischein?

A I didn't care if he was a doctor or if he was a professor or if he was a professional man or whatever he was. To me that was all the same thing, but I want to say that in order to beat somebody, or beat him to death, you may just as well be a gangster. It satisfied me to know that he was in charge of the whole establishment.

PRESIDENT: The court will recess for 15 minutes.

(The court recessed at 1000 hours.)

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(Whereupon the court reconvened at 1020 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all the personnel of the court are present; prosecution and defense are represented by counsel; all of the accused are present; the interpreter and the reporter are present.

At the end of the last session the witness Kovalj was under direct examination.

PRESIDENT: The witness is reminded that he is still under oath.

VALENTIN KOVALJ, called as a witness by the prosecution, being reminded that he was still under oath, resumed the stand and testified further through an interpreter as follows:

DIRECT EXAMINATION, continued.

QUESTIONS BY THE PROSECUTION:

Q Upon what did you base your statement that he was in charge of a whole establishment?

A Maischein or whom?

Q We are talking about Maischein, yes.

A Upon what do I base my allegation that he was the leader of the whole establishment? It was known in all the camp that he was the leader of the dispensary or hospital.

Q How did you have some personal experiences yourself with this negro that you mentioned?

A My personal experience is that he beat me with a stick.

Q Do you know why?

A I had high temperature and I came in order to be released from work and he measured my temperature by beating me with a stick.

Q Is there anything more you can tell the court about the infirmary and about Maischein that you haven't already mentioned?

A I don't know out of my own personal experience but I know that injections were given at the dispensary. I don't know if the injections were given with water or something else.

(Kovalj-direct)

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Q Who got these injections?

A They were given to the Jews who were at the dispensary.

Q What happened to these Jews after they got these injections?

A They didn't come back to their rooms they were carried to the morturary.

Q Did you know or did you hear who gave these injections?

A I don't know who gave the injections. I only know that they were given by order of Maischein. If I would have got such an injection then I would know who was giving them.

PROSECUTION: Your witness.

DOCTOR AHEIMER: Cross examination for Maischein.

CROSS EXAMINATION

QUESTIONS BY DOCTOR AHEIMER:

Q Would you know where from that those injections you mentioned a moment ago were given the Jews by order of Maischein?

A There were inmates working at the infirmary. I talked about these injections with them and they told me that they were given by order of Maischein, but I don't know that out of my own experience.

Q What were the names of those inmates who told you that?

A Their names I don't know. Their names they can be found near the barn at Gardelegen.

Q Did you ever hear that injections were given as a medical treatment?

A Yes I heard that.

Q What did those inmates tell you about the number of Jews normally being at the dispensary?

A I wasn't told how many Jews usually were at the dispensary but I was told that at that time the injections were given they were six or eight Jews at the dispensary.

Q When were those injections allegedly given to the Jews?

A That was during the four months I mentioned before.

Q Do you mean the months of November, December, 1944 and January and

February 1945, is that correct?

A Yes.

Q What was the nationality of those inmates who worked at the dispensary and told y u about that?

A Poles, Frenchmen and Russians.

Q How many inmates did tell y u about it?

A It happened this way: There was a gr up of inmates in the room and an inmate from the dispensary arrived and told us. There may have been eight or ten who told us.

Q Do you want to say that these inmates who told you that were nurses at the dispensary?

A Yes.

Q Was the first name of this nurse Robert?

A Those were not nurses. Those were inmates who brought the food for the sick and took care of them.

Q But anyway it is sure that at some time there were Jews as patients in the dispensary?

A It was a "mise'en scene". Some of them were kept as patients at the same time the o hers were killed. There was a show made, like for instance with the villages of Potiomkin--the one were cured and the others were killed.

Q If then a witness claimed here that Jews were not received at the dispensary as patients that is not correct, is it?

PROSECUTION: I pray the court's judgement.

PRESIDENT: The objection is sustained.

Q How often did you come into the dispensary at Rottleberode?

A Once I got a stick instead of a thermometer and then I never came back.

Q During wh ch month did this happen?

A I don't remember that.

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Q In which year, in 1944 or 1945?

A 1944.

Q Isn't it a fact that in 1944 Maischein was not in Rottleberode at all?

A That I do not remember.

Q Therefore you can't daim that you saw Maischein at the dispensary, is that correct?

A What I saw about the others happened in 1945.

Q Where did it happen?

A What?

Q That which you said right now in 1945?

A In Rottleberode?

Q You said that you saw Maischein and a tall negro beating a Jew until he collapsed? Where was that?

PROSECUTION: I pray the court's judgement. There is no such testimony in the record. He said he saw Maischein and a tall man but he didn't mention the fact that he was a negro.

DOCTOR AHEIMER: It seems to me that Mr. Prosecutor is mistaken. During the direct examination the witness testified that Maischein and a tall negro beat somebody up.

PRESIDENT: The objection is overruled.

THE WITNESS: Rottleberode.

QUESTIONS BY DOCTOR AHEIMER:

Q Where exactly in Rottleberode?

A Near the entrance to the dispensary.

Q Was that in front of the door of the dispensary or inside the dispensary?

A At first they beat him in front of the door then they beat him inside the dispensary. There was a room where the inmates slept.

Q Did they beat him inside the dispensary when the door was closed or was the door open?

A The door was open.

Q Where were you?

A We just took our evening meal. There was a window at which the meal was issued and you could look through the window.

Q How far away were you from the incident?

A How far? It may have been 10 meters, 20 meters, I don't know.

Q Did you know, at this time, the inmate who was beaten?

A I didn't know him personally. I knew that he was a Jew and that he wore the same striped clothes as I had.

Q Where did you know it from that he was a Jew?

A Where did I know it from? Well everybody had his insignia. Besides they had special caps.

Q Do you want to tell us that the food was issued at the same barracks or the same building where the dispensary was located?

A No. The dispensary was connected with the room through a door and from this room the food was issued.

Q Was it at noon or during the evening?

A It was during the evening--there where Tony was sitting Mr. Clerk.

Q Isn't it a fact that food never was issued there during the evening?

A Food was issued there in the evening, at noon and in the morning. It depended on how many inmates were put into the camp.

Q How long could you observe the incident with the Jew?

A About five minutes. Then he collapsed and they took him by his legs and carried him away.

Q Who carried him away?

A That I don't know. Somebody was called in order to help to carry him away.

Q Where was the Jew carried to?

A He was carried down. Where he was carried afterwards I don't know. I wasn't interested. It happened every day.

Q Therefore you cannot claim that this man was brought to the mortuary,

is that correct?

A Those were carried away by their legs, were brought to the washroom and got cold shower and afterwards they were brought to the mortuary.

I just remember something of importance now.

A Pole was sick. He had erysipelas. He had 40 centigrades of fever. He was unconscious and was brought to the mortuary. There he was put down on the concrete floor. He stayed there for two days and when he came in order to bury him he was still alive. He was brought away from there and recovered and was living afterwards.

Q Have you seen at any time yourself that the man was carried by his legs to the washroom?

A That I saw not only once but many times. It often happened that an inmate was carried from the dispensary to the washroom. There he was put under a cold shower and cold water was poured on him so long that he froze and was stiff. Then he was brought to the mortuary.

Q What kind of sickness had this Pole you talked about?

A Erysipelas.

Q Isn't it correct that this man at first was a patient at the dispensary?

A Yes.

Q Isn't it also correct that during this high fever he became unruly and a nuisance for the other patients?

A Fantasies? If I were in his shoes I would know something about it.

Q Isn't it a fact that this Pole in his high fever attacked other inmates, patients, at the dispensary?

A That I didn't see.

Q Did you see this Pole at all at the time he was a patient at the dispensary?

A I did not see this Pole when he was a patient at the dispensary but I saw when he was carried to the mortuary and put there on the concrete floor.

Q Therefore, you can not say that he was brought there in order to protect the other inmates from him, is that correct?

A What kind of a protection is that? -- that somebody is carried out of a dispensary and put into the mortuary. I think if somebody is sick with erysipelas he should be isolated.

Q Out of your own experience you didn't know anything about what happened with the Pole before he was brought to the mortuary, is that correct?

A I know that he was at the dispensary.

Q But you do not know who ordered him to be brought to the mortuary, is that correct?

A I do not know who ordered that.

Q Who treated the sick at the dispensary?

A The inmates took care of the patients at the dispensary but all the orders about the fate of the patients were given by Maischein.

Q Did you at any time hear Maischein giving an order concerning the fate of a patient?

A Why should I hear that? There is no doubt he was the leader of the dispensary.

Q I repeat again my question. Did you ever hear Maischein giving an order concerning the fate of a patient?

DR. AUEIMER: I ask the court to direct the witness to answer this question with a "yes" or "no."

PROSECUTION: I pray the court's judgment. What does he mean by "the fate"?

DR. AUEIMER: I repeat the own words of the witness. He testified a moment ago that Maischein gave orders concerning the fate of the patients.

PROSECUTION: I still object.

PRESIDENT: The objection is overruled. The witness will answer the question "yes" or "no."

Ask the witness first if he understands the question.

A I do understand the questions. No.

DR. AUEIMER: No further questions.

QUESTIONS BY DEFENSE COUNSEL:

Q Is it not a fact that there were no Jews in Rottleberode before the Jewish transport came?

A Yes, there were no Jews there.

Q Is it not a fact that the Jewish transport arrived in Rottleberode the end of January or the beginning of February 1945?

A No. I remember that that was in Fall. It was raining and there was plenty of mud.

Q Did you know the prisoner Boruch Seidel in Rottleberode? The Jewish prisoner Boruch Seidel?

A No.

Q That witness has testified before this court that he was a member of that Jewish transport and that he arrived in Rottleberode with that transport at the end of January or the beginning of February 1945.

A Then the question was asked in the wrong form. There were two Jewish trarsports. The first came in Fall and I do not remember when the second arrived.

Q It is your opinion in your testimony then that there was a Jewish transport which arrived at Rottleberode prior to January 1945, is that correct?

A The first one before January; the second one at this period.

Q And how many Jews were in the first transport, according to your recollection?

A Approximately 300 men.

Q And, to the best of your recollection, how many Jews were there in the second transport?

A I don't remember as far as the second one is concerned -- maybe 100 or 150.

Q There has been testimony by this witness Boruch Seidel in this court that Jews were not admitted into the dispensary. You have testified that you saw Jews who were patients in the dispensary. Can you reconcile the discrepancy to this court?

A I can explain this discrepancy very easily. We were afraid for our lives and we were happy when we could live the next day, so it may have happened that this witness did not see the Jews at the dispensary.

Q When you first came to Rottleberode, what was your first place of duty?

A That was a mechanical device -- producing a device for Junkers

planes.

Q Do you mean by that that you worked in this factory producing this device?

A It was a part of the fuselage where the wings were applied to.

Q Well, let's start over again. You arrived Rottleberode. Now, where was the first place of duty to which you were assigned?

A In order to make it more clear, we arrived with the machinery on which we worked already from Schoenebeck on the Elbe. Those machines were put into underground tunnels, and I worked there as a turner.

Q Now, where were these underground tunnels -- in Rottleberode itself or outside the camp?

A The camp was in Rottleberode and the machines were in Heimkehle, about six kilometers from Rottleberode.

Q And did you travel back and forth to work from the camp to Heimkehle each day?

A We were brought by train every day back and forth to the plant, but if there was no train we had to walk this distance.

Q For how long a period of time did you remain as a worker at Heimkehle?

A The whole time since my arrival until the evacuation of the camp.

Q Now, what were your hours of work? What were your hours of work during that entire time?

A We worked 14 hours a day, but it happened that we had to work 18 hours a day.

Q What time did you leave Camp Rottleberode to go to Heimkehle in the morning?

A We had to get up at 3 o'clock in the morning. Between 3 and 4 o'clock in the morning.

(KOVALJ-Cross)

Q And what time did you leave camp to go to Heimkehle?

A Then there was formation, a roll call; we left the camp about 4:30.

Q And approximately what time did you arrive at Heimkehle each morning?

A We arrived at 5:30 and started to work at 6 o'clock.

Q Now, did you remain at work in Heimkehle all day or did you come back to Rottleberode for lunch?

A No, we stayed the whole day there and the food was brought to us.

Q And until what time did you work in the evening there?

A Till 6, 7 or 8 o'clock p.m., according to when the next shift arrived.

Q And approximately at what time each evening did you get back to Rottleberode -- the camp itself?

A 9 o'clock. Then there was the roll call, the evening meal, and we went to bed at about 11 o'clock.

Q Now, you had Sundays and holidays off, did you not?

A At the beginning some of the details did not work on Sundays and holidays, but afterwards, shortly before the liberation, we had to work all seven days of the week.

Q Now I am speaking about your particular detail and more particularly about you yourself, personally. Did you work Sundays and holidays? Let me add to that: Did you work Sundays and holidays most of the time?

A Not in the majority of the holidays, as far as I am myself concerned.

Q Did you yourself personally work on Sundays?

A Yes, I did.

Q Now, this work schedule which you have just testified to -- did

that continue? Was that the same schedule which you worked during all your stay at Rottleberode? Is that correct?

A Yes.

Q What was your specific duty in the tunnels--exactly what did you do--were you a specialist of some kind?

A Yes, I was a specialist.

Q Now, did you have a large degree of personal freedom to move about as you cared to? Or did you have to spend all of your time in the tunnels?

A We were only allowed to leave the tunnel in order to go to the latrine, otherwise, we had to spend all the time staying at our machines.

Q If one sat down, immediately appeared the foreman and beat us in order to put us on our feet.

Q Did you have a position of a cabo or a foreman or some supervisory position, or were you just an ordinary prisoner?

A No, I was a simple worker.

Q And did you work at a machine of some kind?

PROSECUTION: I pray the court's judgment.

DEFENSE COUNSEL: If it please the court, I will connect this testimony.

PRESIDENT: The objection is overruled.

THE WITNESS: Yes, at the turner's bench.

QUESTIONS BY DEFENSE COUNSEL:

Q Were you permitted to leave your machine for anything other than to go to the latrine?

A No.

Q How far was Stampeda from Heimkenle?

A Approximately three kilometers from Heimkenle to Stampeda.

Q How does it happen that, if you were tied down to your machine for 12 hours a day in a tunnel at Heimkenle, you were able to give such extensive testimony about things which occurred at Stampeda, four kilometers away?

A At the time the electric plant was bombed by the Americans the work at Heimkenle stopped and we were put to work at Stampeda.

PROSECUTION: Wait a minute, I think you left out, why, in connection with the bombing and the work.

INTERPRETER: Because there was no electric power.

PRESIDENT: We should have the complete answer now.

INTERPRETER: I will repeat it. When the Americans bombed the electric power plant, there was no electric power any more and the work at Heinkehle was stopped and we were brought to Stampeda to work.

QUESTIONS BY DEFENSE COUNSEL:

Q And when was this?

A It was mostly in March 1945.

Q And how long did you work at Stampeda?

A Approximately 5 days.

Q And during these 5 days you saw all these beatings and these emersions in the brook, is that correct?

A Yes. At this time I saw it but before I heard it because the details came and saw us.

Q Were your hours at work at Stampeda approximately the same as they were at Heinkehle?

A Yes.

Q Now, when you arrived at Rottleberode you said, I believe, in May or June Ulbricht was already there, is that correct?

A No, he wasn't there yet.

Q When did he arrive, do you know?

A Maybe two months afterwards, approximately.

Q Are you speaking now about the schreiber, the clerk, Ulbricht or about the commander, Brauny, or about the camp leader, Brauny?

A I am talking about the commander—I was asked about the commander.

Q Well, I am asking you about the clerk, Ulbricht—was he already there when you arrived?

A When I arrived the clerk was already there.

Q Did Ulbricht remain as clerk at Rottleberode during the entire time that you were there, or did he ever go back to Dora to your knowledge?

A No, he was all the time there.

Q You can be a witness then, can you not, to the fact that Ulbricht was on duty at Rottleberode at least from May or June of 1944 until the evacuation, is that correct?

A Yes.

Q Who was the commander of the detail, Stampeda, if you know?

A I don't know that. I know that Stampeda belonged to Rottleberode, but who was in charge of Stampeda I don't know.

Q Did you ever hear that Sergeant Lampe was the commander at Stampeda?

A Yes, I heard that he was in charge of Stampeda as a deputy of the commander.

Q Now, it is a fact, is it not, that during these five days that you were at Stampeda that you did not see Brauny at any time, is that right?

A I saw him twice.

Q Was he on duty at Stampeda or was he just inspecting?

A He made an inspection. He was led by Lampe, and he looked here and there.

Q And during one of these inspections did it occur that some of these Jews were put into the stream?

A Yes.

Q And why did the civilian workers participate in this brutality, if you know?

A The German civilian workers did not participate in that, they were just spectators.

Q Now, you stated before that this diversion in the water at Stampeda happened in the spring and in the fall and in the winter. Did you mean by that the spring, fall and winter of 1944?

A No, 1944 and the beginning of 1945.

Q Which spring did you refer to, the spring of 1944 or the spring of 1945?

A Spring, 1945.

Q And the occasion in which you saw this particular emersion was in spring, is that correct?

A 1945.

Q The other witness who was testifying about this incident, Boruch Seidel, testified that this emersion was conducted in a pond; you said it was conducted in a brook. Can you reconcile your testimony with this?

A It was not exactly a stream, it was a ditch in which the water flowed in Stampeda.

Q And approximately how deep was this ditch? Or how deep was the water in the ditch?

A Perhaps 50 or 70 centimeters.

Q And do you intend to tell the court that people drowned in there?

A They have beaten the people in such a condition you can drowned in water which is 20 centimers deep.

Q Can you of your own knowledge state that you have ever seen anybody drowned there?

A They have beaten himso that he collapsed and he was choked by the water and when they took him out he looked like a wet hen and was dead.

Q And you personally saw that, is that correct?

A Yes.

Q And you personally saw Brauny do that, is that right?

A I can't tell you if he has killed him, he beat him up so that he fell down into the water and then he encouraged other people to beat him and they killed him.

Q What was the name of this man who was killed?

A I cannot tell.

Q What became of him--what did they do with his body?

A What could happen to such a body--it was put into a car and in the evening it was brought into the camp, and there was a special detail in the camp who buried the body.

Q Did you see that body after it was brought to the camp?

A I saw dead bodies every day. I saw this dead body and other bodies, too.

Q You were working in the tunnel at Stampeda, isn't that right?

A We were brought there in the railroad car and then we had to carry stones.

Q Did you go inside the tunnels in Stampeda?

A It was not exactly underground, it was a tunnel in the mountain.

PRESIDENT: The court will recess until 1330.

(Whereupon at 1155 hours the court recessed until 1330 hours.)

* * * *

AFTERNOON SESSION

(The court reconvened at 1330 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all the members of the court except Major Vandenburgh, who is absent on official business, are present; all of the accused are present, the prosecution and the defense are represented by counsel, the interpreters and the reporter are present. At the time of the last recess the witness Valentin Kovalj was under cross examination.

VALENTIN KOVALJ, called as a witness by the prosecution, having been previously sworn, resumed the stand and testified further through interpreters as follows:

CROSS EXAMINATION (Continued)

QUESTIONS BY DEFENSE COUNSEL

PRESIDENT: The witness is remined he is still under oath.

A Yes.

Q At the end of the last session you were explaining to the court your place of duty during the five days you worked at Stampeda. How far from the tunnel or opening in the mountainside in which you worked at Stampeda was the spot in the brook where these imersions and beatings were supposed to have taken place?

A That was far. That was separated. The brook was east of the mountains, or the hills.

Q How, then, could you see from where you were working in this tunnel or opening in the mountainside what was going on at the brook.

A What happened during lunch time; during the intermission.

Q Do you mean during lunch time you were permitted to walk about freely from your place of work?

A No, we were grouped together at the place where the food was issued.

Q Was the place where the food was issued close to this brook?

Or, rather, close to the place in this book where these beatings took place?

A That was the brook and in front of the brook was the place where the food was issued and right there was the brook running.

Q Were you called over by someone to witness this incident?

A No.

Q How many people were put into the water and presumably beaten at this time?

PROSECUTION: I pray the court, there is no indication in the question as to time. The witness has testified to more than one occasion.

DEFENSE COUNSEL: It is my understanding that he has seen personally only one case, and that is the case which I am referring to.

PRESIDENT: The objection is sustained.

INTERPRETER: Will you repeat the question?

(The question was read by the reporter.)

A I cannot say exactly how many people were beated on that occasion. I only heard crying and I ran over there but I made it my business to get away as quickly as possible, because I was afraid that I would be beaten also. I only saw later on people being carried to the camp.

Q How long did you remain at this place before you ran off?

A I stayed perhaps five minutes there personally.

Q Weren't you afraid that in these five minutes you yourself would be beaten and thrown into the brook?

A Of course I was afraid but I also wanted to see what was going on and the whole place was full of people.

Q Were there any people standing between you and the brook, or did you have a clear view of it?

A There were people standing between me and the brook but nevertheless I had a clear view. After all, there was level ground, there were no hills in between.

Q As a matter of fact you didn't see exactly what was going on

there did you?

A I observed everything in detail and I have described everything in detail the way I have seen it.

Q All right. If you saw everything in detail tell the court how many people were being beaten and howmany people were being put into the water.

PROSECUTION: He has already said, may it please the court, three or four questions back, he couldn't tell exactly how many were being beaten. I object.

PRESIDENT: The objection is sustained. The witness will not answer the question.

Q Did you know any of the guards or any of the leaders other than Lampe in Stampeda? The SS people, I mean?

A I don't remember anyone.

Q The only one you remember is the accused Brauny; is that right?

A If you speak about the detail Stampeda, then I recall Lampe only; but if you talk about Bottleberode then I remember more.

Q I am speaking about this occasion in Stampeda where this imersion in the water is supposed to have taken place. How many SS men do you remember who took part in that,other than the accused Brauny?

A I recall nobodyelse except Brauny and Lampe.

Q These dogs that you have testified were at Bottleberode, they were watch dogs, were they not? Isn't it a fact that they were to prevent prisoners from escaping?

A Yes.

Q Is is also a fact, is it not, that camp leader Brauny relieved the dog leader from his duty after he received a report that some prisoner had been bit?

A If I would have been drinking Vodka together with Brauny, then I probably could have learned about it but since I didn't, how am I to know that?

Q Well, you seem to possess a large amount of knowledge about other things that went on in that camp. Did you ever hear that Brauny relieved this dog leader?

A It is possible that he relieved one dog leader but he naturally appointed another one to take his place. During the evacuation when a large group of prisoners had to push a cart containing rations, it occurred that one of the dogs tore out the sexual parts of one of the prisoners.

Q Are you speaking now of an evacuation transport?

A Yes.

Q And who was the leader of that transport?

A Brauny.

Q Were you on that transport?

A Yes, this was the transport from Nottleberode to Niedersachswerfen.

Q Did you go with this transport as far as Niedersachswerfen?

A I was on the transport until Osterhaugen and there I escaped in the night from the 5th to the 6th. He knows about it.

Q When this dog--I believe you testified this dog attacked you at one time; is that correct?

A The dog did not attack me personally, but he did attack the people who were right around me. That was on the occasion when we had to push the heavy truck out of the ditch and then since we did not work fast enough the dog was set upon us and he tore the sexual parts, as I have told you, out of that man. The man then laid in the ditch and most likely he died there. We could not take any more interest in it, because it was dark. It was during the night.

Q What did the accused Brauny have to do with the attack of that dog?

A I did not see him there.

What did Brauny have to do with the attack of the dog which you say you saw upon a man who was sleeping? Or had been sleeping?

A The inmate was looked for and there was a searching party and Bremmy participated in this searching party. He saw to it that the people actually did look for the inmate and when he was found he was dragged out of there and then the dog tore pieces out of him.

Q Is it correct that this prisoner was hiding from the camp authorities?

A He was not hiding; he simply fell asleep.

Q And where washe asleep?

A Well, how do you explain that? It was in the tunnel and in the dispensary there. The dispensary was partitioned off by wooden boards and there he was sleeping on top of it.

Q You mean he was sleeping on top of a wall?

A Probably behind the boards because this is where he was dragged out from.

Q Was it in Heinkehle?

A Yes, this was in Heinkehle.

Q Were the dogs kept at Heinkehle or Rottleberode?

A Every shift had its dog and he walked around with the dog.

Q Who do you mean by "he"?

A The dog leader or whatever his name was. He had a dog and he led it around.

Q How did they know that this prisoner was missing?

A The dog found him.

Q How was he missed? I mean was there a roll call and did he fail to report at the roll call?

A It was shortly before noon when we lined up for the noon roll call and there it was noticed that somebody was missing. It was found that somebody was missing. Work immediately was stopped in all the work shops. Everybody was chased out at the roll call square and then the search began.

Q Isn't it a fact that this prisoner was found hiding in an air shaft?

A That I couldn't say because after all I wasn't there. I had to line up at the roll call square. All I know is that he was beaten there. That he was dragged out of there, that the dog attacked him, that the dog tore him to bits and then he came out.

Q Isn't it a fact that that incident occurred in the summer of 1944?

A Yes, that was towards the end of the summer of '44.

Q You accused Brauny here because you feel that he is responsible for everything that happened in that camp including this incident, is that so?

A Yes.

Q But you know that Brauny didn't even arrived at Rottleberode until November of 1944, don't you?

A In November '44 or when?

Q In November '44.

A Not in November, perhaps in August or September.

Q You don't know for a fact whether Brauny was even in the camp at the time this dog incident occurred do you?

A I state that this incident occurred towards the end of the summer of '44.

Q You do not know—you are not certain, are you, whether Brauny was even there at the time this incident occurred?

A He was in camp, of course he was. I state that he was in camp at that time.

(Gawronski-cross) (Murphy)

Q It is your testimony, then, before, this court that Graumy was in Rottleberode at the end of the summer of 1944, is that correct?

PROSECUTION: I pray the court's judgement.

PRESIDENT: The objection is sustained.

Q Now you have told the court that you worked at the detail Heimkehle for the entire time that you were in Rottleberode and afterwards you modified that by saying that for five days you worked at Stampede. Will you please tell the court now whether there were any other details that you worked on during the entire time you were assigned to Rottleb rode?

A I did not modify my original statement. I have said that during air raid attacks we were farmed out from Rottleberode to Heimkehle. We were also farmed out to other places like for instance Ufftrungen, Stahlberg and many others.

Q Now all of these places that you were farmed out to were outside of the camp of Rottleberode, is that correct?

A Yes, they were outside. Those were different localities.

Q Did you ever do any duty in Rottleberode camp itself?

A Yes, I did.

Q Please tell the court what you did at Rottleberode and for how long and when?

A Well for instance we cut rocks, we cut wood and we built road foundations and things like that.

Q Did you do those things inside Camp Rottleberode itself?

A Directly in Camp Rottleberode.

Q For approximately how long did you do that kind of work?

A That was only over a very short period of time. For instance, during our time off on Sundays or when there was no power in Heimkehle for about three to four hours.

Q As a matter of fact you spent very little time inside campRottleberode, isn't that so?

(Direct/Cross) 1947

A Very little time.

Q And while you were working in these out details you testified you usually came in about nine o'clock at night and you left about four o'clock the next morning, isn't that so?

A Yes. Sometimes we were on the night shift and sometimes we were on the day shift and whenever we were on the day shift they awakened us already at two a.m. We took turns on the shifts.

Q You say you saw the accused Ulbricht beat a Jew in a room at the top of the stairs, is that correct?

A Yes.

Q You claim you were an eye witness to that incident, is that right?

A Yes.

Q Were you inside the room when this happened?

A Yes.

A Yes.

Q What were you doing inside the room?

A We were trying to get into our billets and we were shoving into our billets. I was living on the top floor and while we were doing that it occurred.

Q Did this occur in the room where the clothing and the other supplies were stored?

A No, it happened on the staircase.

Q A moment ago you said it happened inside of the room. Which is correct Did it happen inside of a room or on the staircase?

A The staircase was located inside the room. The staircase was within the room.

Q How big a room was this?

A The room was approximately 18 meters long and six to seven meters wide.

Q In what building was that room?

A The whole concentration camp was located in one large building and this

(Rorath-cross)

is where it happened.

Q Was it a sleeping room or what was that room used for?

A Yes it was a sleeping room.

Q Was it on the ground floor or was it in one of the upper stories?

A It was on the second floor.

Q At the time this incident occurred you and your fellow prisoners were going up the stairs to your sleeping quarters, is that right?

A Yes.

Q Were there people behind you or in front of you or were you at the-- just answer that. Were there people in front of you or behind you?

A People were walking in all directions. I didn't pay any attention who was walking around at that time.

Q Did you stop or did the people behind you make you keep going?

A I stopped and I observed what was going on and then I kept right on going because if I would not have done that I and my neighbors may have caught so of it too.

Q So, in other words the only thing you saw was during the brief moment that you stopped and you saw Ulbricht beating somebody, is that right?

A Yes. I saw Ulbricht beating a man and when I went to wash for the second time the man was already lying there and he was lying there motionless.

Q Had you ever seen that man before?

A How could I have seen him before. There were thousands of people there.

Q Did anybody tell you afterwards who he was?

A One only knew that he was a Jew and when he was lying there motionless he was lifted up and taken to the morgue.

Q How could you tell he was a Jew?

A Everybody said that he was a Jew.

(Cross-cross)

Q When he was lying there didn't you make any attempt to go and help him?

A How could I possibly help this man. He was still running around with a stick and he was still looking for othermen whom he could beat up.

Q So at that time you saw this one man lying there Ulbricht was still looking around for others with a stick, is that right?

A Ulbricht kept running around and whomever he got into his clutches he beat up.

Q Didn't you become afraid of him and run away then right away as soon as you saw he was still doing that?

A That had become second nature with us. We kept running away. We came back. We kept hiding and we came back. We were used to it.

Q Did you wash yourself at that time?

A I went downstairs to the ground floor where the washroom was but I was not by myself. There weremany other people going with me.

Q How do you know that this man was carried off to the morgue then?

A When I came back from the washroom I saw that he was carried outside into the yard and whenever anybody was carried into the yard we already knew that he would land in the morgue. Where else would they take him?

Q You had already washed yourself once before hadn't you?

A How do you mean before?

Q Before you went upstairs?

A No. Every time we came from work we first went upstairs and we got our toilet articles. With that we went downstairs to the washroom. With that we went back upstairs again.

Q Didn't you say a few minutes ago that you went down to wash yourself a second time?

A I didn't say that. It must have been a mistake in the translation.

Q Did Ulbricht every personally beat you?

(Mundt Carol-cross)

A I personally was not beaten by him but the man who walked with me.

Q Did Braumy ever beat you?

A No.

Q Did Maischein ever beat you?

A Once when he used his way of taking my temperature.

Q That, according to you occurred in Early 1944, is that right?

PROSECUTION: May it please the court I think that is improper cross examination. The man has testified plainly that Maischein didn't come there until the end of '44 or beginning of '45 and asking him a question, "Didn't that happen in the early part of '44" I submit is improper cross examination and I object to that type of cross examination.

PRESIDENT: The objection is sustained. The witness will not answer the question.

DEFENSE COUNSEL: I have no further questions.

PROSECUTION: Any questions by the court?

PRESIDENT: Colonel Thomas.

EXAMINATION BY THE COURT

QUESTIONS BY LAW MEMBER:

Q In reference to this dog incident in which, you say, the Ukranian was attacked by a dog, did you ever see the Ukranian again?

A No.

Q Did you ever hear what happened to him -- whether he lived or whether he died?

A It was that that he was taken either to Dora or some other place, but according to what I saw, judging by the condition which he was in, he can only have died.

Q You mean that you heard that he was taken to Dora to the hospital or to Dora for some other purpose?

A He could have been taken to Dora for two different purposes. One purpose may have been to finish him off all together and the other purpose may have been to transfer him to a different detail.

Q At the time of the attack, was the dog on a leash or running loose?

INTERPRETER ROLAND CARROLL: I want to add to the last statement:

A He also may have been taken to the hospital there.

The dog was on the leash. Whenever he was close to the person the leash was unhooked, and the SS man finished off the man with the clubs or bludgeons which they had in their hands.

QUESTIONS BY PRESIDENT:

Q At the end of your cross examination you had started to say something. Do you wish to make a further statement to the court?

A I have to state a few things in reference to the dispensary. I

would like to say that towards the end of the year 1945 a transport from Cross Rosen arrived. The shipment consisted of approximately 100 men. There were Poles, Russians, Ukranians, and a few French.

Q Does this testimony refer to either the accused Maischein or the accused Brauny?

A Yes, in my opinion it refers to both.

Q Continue.

A Those people were in a state of complete exhaustion. They were given no help whatsoever and all those men died to the last man. That is all.

PRESIDENT: There are no further questions by the court.

RECROSS EXAMINATION

QUESTIONS BY DR. AUER:

Q In which way do you connect the accused Maischein with what you just have stated?

A If he was a doctor, then it was his duty to see to it that these people either were delivered to the dispensary or received some kind of medical help, but he did not do so. Those people remained on their beds without any medical assistance and they died.

Q How long after the arrival of the transports did those people die?

A Two to three months may have elapsed.

Q And you want to say here that within those two to three months nobody whatsoever looked after those people?

A Yes.

Q Isn't it a fact that the dispensary had three prisoner doctors at its disposal whose duty it was to look after the prisoners?

A It may have been their duty, but nobody did it.

Q Do you know if those people who had been on this shipment from

Gross Rosen asked for medical help at all?

A I don't know if anybody cared for them or not, but it is a fact that if they did not go to the dispensary in person, no s.o.b. looked after them.

PROSECUTION: What is this s.o.b.?

INTERPRETER ROLAND CARROLL: Son of a bitch.

PRESIDENT: Well, if that is what he said. If that is what was said, translate it.

INTERPRETER ROLAND CARROLL: Yes, sir.

Q Are you certain that that transport came from Gross Rosen?

A Yes, we have talked -- Yes, we talked with the men.

Q In which month of the year '44 did that shipment arrive?

A I don't know for certain. I could not say for sure -- it may have been in December '44 or also in January '45.

Q Didn't you say previously that the transport arrived at the end of '44?

PROSECUTION: I pray the court's judgment. He said, to my certain knowledge, at the end of '44 or the beginning of '45.

DR. AHEIMER: This is not correct. He said previously only at the end of '44; he didn't mention anything at all about '45.

PRESIDENT: Is this one of the Jewish transports that has already been referred to here, Dr. Aheimer?

DR. AHEIMER: No, this is only the transport from Gross Rosen which he is referring to now and this is in answer to the question from the court.

PRESIDENT: The witness will answer the question.

A Yes, the transport from Gross Rosen, but please do not mix it up with the Jewish transport. That was an all together different transport.

Q Do I understand you correctly? You want to modify the statement which you have made previously in answer to the question from the court by saying that the transport from Gross Rosen arrived at the end of '44 and possibly the beginning of '45?

A I am not going to modify anything. I spoke to the people who were on the transport and they told me that they came from Gross Rosen.

Q Isn't it a fact that no transport whatsoever ever arrived in Rottleberode from Gross Rosen?

PROSECUTION: I pray the court's judgment. He just said that it had -- not once, but several times.

PRESIDENT: The objection sustained.

DR. AHEIMER: No further questions.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q Were you present when that transport came to Rottleberode from Gross Rosen?

A Yes, I was present, but the transport did not come directly from Gross Rosen; it went by way of Dora.

Q Were you present when that transport arrived at Rottleberode?

A Yes.

Q By what method of transport did it arrive at Rottleberode?

A That I could not say. When I arrived from working that day I saw new men in camp and, naturally, we talked to each other and I asked them how and where and why and they told me that they came from Gross Rosen.

Q Do you know whether or not these men were examined at Rottleberode at the time of their arrival by anyone?

A DEFENSE COUNSEL: I object on the grounds that the witness testified he was not present when they arrived. He has no way of know-

ing whether they were examined or not.

PRESIDENT: The objection is overruled.

A No examination.

PROSECUTION: Nothing further.

PRESIDENT: There are no further questions by the court.

DEFENSE COUNSEL: No further questions by the defense.

PROSECUTION: May the witness be permanently excused?

PRESIDENT: Does the defense object?

DEFENSE COUNSEL: No objection.

PRESIDENT: The witness may be permanently excused.

(Whereupon the witness was excused and withdrew.)

PRESIDENT: The court will recess for 15 minutes.

(Whereupon the court recessed at 1455 hours.)

* * *

(Whereupon the court reconvened at 1510 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present except Major Vanderburgh, who is still absent on official business; the prosecution and the defense are represented by counsel; all of the accused are present; the reporter and interpreter are present.

There is a new witness to be called. His first name is Tadeus, T-A-D-E-U-S; the last name is G-A-R-C-Z-Y-N-S-K-I.

TADEUS GARCZYNSKI, called as a witness by the prosecution, took the stand and being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q State your full name and your present address.

A Tadeus Garczynski, Brunswick, Hamburger Street 250.

Q How old are you?

A 29.

Q What is your nationality?

A Polish.

Q Your civilian occupation?

A Technician.

Q Were you at one time a prisoner in Concentration Camp Dora?

A Yes.

Q From when to when?

A From September 1944 until April 1945, till the last transport.

Q During that period of time, where did you work?

A During this time I worked in the tunnel in the detail 165-A.

Q During the entire time you were in Dora, did you work any other place except in the tunnel?

A No, only in this detail in the tunnel.

Q During the time that you were in the tunnels of Dora, did you receive some kind of pay for your work?

A Yes, during all this time I got paid twice. Once I got 1 German mark; the second time I got 1 mark and 50 pfennigs.

Q Did you at any time receive anything in the nature of camp money?

A Yes, only camp money, but no Reichs marks.

Q What could you do with this pay which you received for your work--what could you buy with it?

A As a simple inmate I could buy items at the canteen if there were any, for instance, the so-called water soup or pickled beets or chewing tobacco, if there was any.

Q What was the size of the order of soup that was there for sale?

DEFENSE COUNSEL: If it please the court, I would like to enter an objection to this line of questioning on the grounds that it is repetitious and cumulative because we have heard what the line of goods was that could be bought. It is my impression that the prosecution is making an effort to shorten the evidence, and it is certainly not being made shorter by this line of questioning.

PROSECUTION: There has been just one witness who testified at all about the contents of the sales in the canteen. The purpose of these questions is to show the price of the goods, and I will be through in just a few more questions--the price of the goods and also how much money a man actually could earn, how much he does earn.

PRESIDENT: The objection of the defense to the testimony of this witness is overruled. The prosecution will continue.

THE WITNESS: One could get for 50 pfennigs three-quarters of a liter of this soup which consisted of a few potatoes, some carrots, and water.

QUESTIONS BY PROSECUTION:

Q How many pfennigs in a mark?

A 100 pfennigs to a mark.

Q How muchdid a portion of these sour beets cost?

A A portion cost also 50 pfennigs.

Q How much did a glass of beer cost?

A Also 50 pfennigs.

(Marczynski-Direct)

Q Now, you have told the court how much money you earned during the entire time you were in Dora. Have you got any idea how much the average prisoner earned?

A An average inmate couldn't earn more than two marks a month.

Q Did he get it every month? Do you know whether or not he got it every month?

A No, not every month.

Q Did you ever see any mussels in the canteen?

A I heard about them but I never saw them.

Q Did you ever have occasion to go to the prisoners' clothing shop?

A Yes, and that pretty often.

Q Who was in charge of it?

A I don't know his rank. I now learned that his name is Helbig.

Q Will you look around the room and see if you can--I will withdraw that, please. While you were in camp did you see the man who was in charge of the prisoners' clothing store?

A Yes. I saw him at the end of '44 and at the beginning of 1945, mostly during the winter.

Q Will you look around the courtroom and see if the man you saw then in charge of the prisoners' clothing supply room is in this room?

A Yes.

Q Get up from the chair if you have to.

A Yes.

Q Get up from your chair and go over to the person and point him out.

A (Indicating).

PROSECUTION: Let the record show that the witness has identified the accused, Helbig, wearing placard Number 8.

Q Will you tell the court what you personally had seen Helbig do in Dora, what your personal experiences were in the prisoners' clothing store?

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PROSECUTION: Let the record show that the witness has identified the accused, Helbig, wearing placard Number 8.

Q Will you tell the court what you personally had seen Helbig do in Dora, what your personal experiences were in the prisoners' clothing store?

A Our shoes were completely worn out. Once after we returned from the night shift a part of the detail went to the inmates' clothing shop. There were other inmates already present. We were waiting until the opening of the shop, then Helbig chased us away from the shop with a stick. Among those inmates were also Italians, one of them, I saw it myself, went to work barefooted.

Q What time of the year was this?

A It was in January 1945.

Q What can you tell the court about Helbig?

A I don't know--within the competence of Helbig, but in my opinion he being in charge of this clothing shop should have issued the shoes.

Q What I want to know is, can you tell the court specifically what happened in the prisoners' clothing store that you personally saw in which Helbig was involved?

A Since my shoes were worn out I often came to the shop in order to exchange them. There was always plenty of people around there. Helbig and the civilian foremen used to beat the inmates severely with a stick. I saw, for instance, one case where an inmate was very severely beaten by him, but I don't know his nationality.

Q What did he beat him with?

A With a long stick.

Q On what parts of the body?

A Since there was a crowd and he was standing on the steps, he beat mostly on the upper part of the body, on the back and on the head.

Q How often did you see Helbig beat prisoners in or about the prisoners' clothing store?

A I saw him often but when he beat it was four times.

Q Did you ever get the shoes you want for?

A No.

Q Describe the stick that Melbig used to beat with--with which he used to beat.

A It was about one meter and ten centimeters long and about six centimeters in diameter.

PROSECUTION: Your witness.

CROSS EXAMINATION

QUESTIONS BY DEFS. SS COUNSEL:

Q Was it always the same club that he used?

A Not always the same, but I mostly saw him with such a stick.

Q Isn't it a fact that in front of this clothing store there was always a great deal of commotion and pushing?

A There was always a crowd, but people didn't push themselves around. When the inmates came to the clothing shop they lined themselves up in four's or five's, in order to avoid beating.

Q Isn't it a fact that the clothing store for the prisoners was run by a Sergeant Dolling?

A No, I don't know such a name.

Q Now, you say that you didn't know Melbig's name until you arrived here in Dachau. What did you mean by that?

A I meant that it was very difficult for an inmate to know the names of all the SS men.

Q To your recollection, was Melbig the only SS man who did any beating there at the clothing store?

A I saw only Melbig.

Q Who told you that this man whom you saw in front of the clothing store was called Melbig?

A I recognized him here on the board, and his name was there.

Q Isn't it a fact that what actually happened was that you told the prosecution that you had seen an SS man do some beating in front of the clothing store and that then the picture of Melbig was shown to you and his

name was given to you and you were told, "That was the man, was it not"?

A That would be ridiculous. If any inmate saw another inmate beaten he had to keep the face of those who beat in his memory, and he keeps it even for years. I would recognize this fellow after ten years even.

Q Now, you saw a lot of SS men beat prisoners in this Camp Dora, did you not?

A Yes.

Q There was a lot of beating going on then, was there not?

A Yes.

Q Do you want to tell the court that you will always remember or that you now remember the faces of every SS man that you ever saw beat at Dora?

A I didn't understand the question.

Q Do you want to tell the court that you remember the faces of every SS man who ever did any beating at Dora that you saw?

PROSECUTION: I pray the court's indulgence as to the content and form of the question.

DEFENSE COUNSEL: What is the basis of that objection, please? I submit to the court that that is not a proper objection--form and content--it is meaningless. Just exactly what form and content.

PRESIDENT: The objection is overruled anyway, so let it go at that.

THE WITNESS: No, not all of them. I meant to say that I will remember the faces of all of them whom I saw beating.

QUESTION BY DEFENSE COUNSEL:

Q Yes, that is what I mean, too. Do you want to tell the court that you still remember the faces of every SS man who you saw do any beating at Dora?

A Yes.

Q You never saw any other of the SS men who were in charge of that

clothing store do any beating, is that right?

A I didn't see any other SS man who was in charge of the clothing shop. I remember only Helbig.

Q Now, you say that you saw four occasions in which Helbig beat the prisoners? Were all those occasions different times in which you came to get your shoes exchanged?

A Yes, the shoes and the clothing.

Q Now, was it the proper method of obtaining shoes and clothing for individual prisoners to go to the clothing store?

A Yes, and he had even to hurry up so that when he came back from work he had no time to eat his meal, yet to go as far as possible to the clothing shop.

Q Isn't it a fact that the block eldest or the capos for the details were supposed to draw clothing for the detail?

A Yes, but that happened only at the very end of March--the block eldest brought clothes to the block.

Q Was there a distribution of clothing made in March of 1945, then by the block eldest?

A Not especially, but from time to time you could exchange your clothes.

Q Do you know where Helbig had his office?

A When one entered the canteen on the right side.

Q By the canteen you mean the clothing store, is that right?

A I was mistaken. I meant the clothing store.

Q And was that within the protective custody camp? Within the prisoners' camp?

A Yes, the clothing shop was inside the protective custody camp. Behind my block.

Q Approximately how many times altogether did you go to the clothing store to try to get your shoes exchanged?

A About 20, about 30 times; about 25 times.

Q Did you go every day or did you go once and then miss a few days, let a few days go by and then go again?

A Some times I went there for three consecutive days, then we were chas away so I waited for let's say two days and went again there.

Q Well, you said this was in the winter; is that right?

A Yes.

Q And it was after work when you went, isn't that so?

A Yes.

Q What time did you leave work in the afternoon?

A When I worked from nine o'clock in the evening then I finished work at nine o'clock in the morning.

Q Well, on these occasions on which you went to the clothing store to get your shoes changed, what time of the day was it you went?

A Before noon. Just after work.

Q And was it on those occasions in which you saw the accused Helbig beat people?

A Yes.

Q Isn't it a fact that the clothing store was open at that time then?

A It never was open so that an inmate could freely go there and exchange his clothes and shoes.

Q Was the door closed or was it open?

A Closed.

Q And that was in the middle of the day, did you say?

A It was just after work. It may have been at nine-thirty in the morning.

Q Who actually issued the clothing to the prisoners, then?

A Inmates who worked in the clothing shop.

Q Did you ever talk to any of these inmates requesting shoes?

A No.

Q Why not?

A Because I never could reach them.

Q Do you mean to tell the court that on 21 separate occasions you were chased away,before you could even get inside of the clothing store, by Helbig?

A No. Some times some of the inmates get their clothes exchanged when they arrived, but then the rest of us were chased away.

Q Who chased you away?

A Helbig and these inmates who chased us by orders of Helbig.

Q You mean, then, that on some occasions the prisoners chased you you away; is that it?

A No.

Q It was always either Helbig or other SS men; is that it?

A No, whenever I was there I remember it was always Helbig. I do

not remember any other SS men.

Q Well, then you want to tell the court, do you not, that Helbig chased you away from the clothing store on 21 separate occasions; is that right?

PROSECUTION: I pray the court's judgment; he said "either Helbig or prisoners on order of Helbig". He just said that just two or three minutes ago.

DEFENSE COUNSEL: He also denied that prisoners chased him away. He is inconsistent in his testimony. I have a right to cross examine him or get him to explain his apparent inconsistency.

PRESIDENT: The witness will answer the question.

INTERPRETER: Will you read the question?

(The question was read by the reporter.)

A Yes, that is right.

Q And on all 21 of these occasions he had a club, is that right?

PROSECUTION: I object to that question; it illustrates to my mind the type of question I objected to before, as being an unfair statement of the question.

PRESIDENT: The objection is overruled.

A Not every time, but I saw him mostly with a stick.

Q There has been testimony before this court that prisoners could never get in to see Helbig in his office because they were kept out by the capos and by the prisoners who worked in the clothing store. Now you say that Helbig was in front of the clothing store every time you were there, on 21 separate occasions, chasing you away. Can you explain the inconsistency in these two types of testimony?

PROSECUTION: I object.

DEFENSE COUNSEL: I will withdraw the question.

PRESIDENT: At this time the court will recess for fifteen minutes.

(The court recessed at 1600 hours.)

(The court reconvened at 1615 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present except Major Vandenburgh, who is absent, having been excused by the appointing authority. I think, may it please the court, on two other occasions I said he was absent on official business. It occurs to me that I should have said he was absent having been excused by the appointing authority. All the accused are present, the prosecution and the defense are represented by counsel, the interpreters and the reporter are present. At the close of the last session the witness Garcaynski was on the witness stand.

VALENTIN GARCZYSNKI, having been previously sworn, resumed the stand and testified further through an interpreter as follows:

PRESIDENT: The witness is reminded he is still under oath.

CROSS EXAMINATION (Continued)

QUESTIONS BY DEFENSE COUNSEL

Q In case of these prisoners' premiums, with which you could buy things in the canteen, it is a fact, is it not, that the capo of the detail made the recommendation of the amount which each prisoner in the detail was to receive?

A No; I don't know anything about it.

Q Did every member of your detail get the same amount of premium, do you know?

A No. Besides, not all of them got it at all.

Q Some of them got more than you did, is that right?

A I don't know.

Q It is a fact, is it not, that these premiums were paid to the prisoners, depending upon how much work they did. In other words, the lazy prisoners got the least; isn't that so?

A I don't think one could speak about lazy and not lazy inmates. Every inmate had to work, and he was supervised by the detail leaders, work capos, and so on. Owing to the fact that we worked on a conveyor belt system, everybody had to do his work.

Q Is it not a fact that some prisoners obtained more premiums than others, because they were better workers?

PROSECUTION: I pray the court's judgment. He just said in an answer to an identical question, he didn't know.

DEFENSE COUNSEL: If the court please, I can't quite agree with that interpretation. He has testified that some got nothing, other prisoners got more. I am just trying to obtain on what basis that distribution was made.

A I don't know anything about it. All I know is that we all had to work in the same way. Because of the system of work.

DEFENSE COUNSEL: No further questions.

PROSECUTION: Any questions by the court?

EXAMINATION BY THE COURT

QUESTIONS BY COL. BURCH

Q Any prisoners of war at Camp Dora?

A Yes.

Q How much pay or premium did they get, if you know?

A I worked with Italian P.W's. and I did not observe that anyone of them got more than I did and many of them didn't get anything at all.

Q There has been testimony before this court that at times there was free soup distributed at the canteen. Did you ever get any of that?

A No.

PRESIDENT: There are no further questions by the court.

PROSECUTION: I ask that this witness be permanently excused.

DEFENSE COUNSEL: No objection.

PRESIDENT: The witness may be permanently excused.

(Whereupon the witness was excused and withdrew.)

PROSECUTION: The prosecution calls as its next witness Guy Chamaillard.

GUY CHAMAILLARD, called as a witness by the prosecution, being first duly sworn, took the stand and testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION:

Q What is your full name?

A Guy Chamaillard.

Q Where do you live?

A Marcuil on Arnon, France.

Q How old are you?

A 27 years old.

Q What is your occupation?

A Driver.

Q Your nationality?

A French.

Q Were you at one time on a transport to Gardelegen?

A Yes.

Q Were you at one time in the caserne at Gardelegen?

A Yes.

Q On what date was that?

A I arrived there on the 11th of April.

Q Did you go from the Kaserne at Gardelegen towards a barn?

A Yes.

Q What day was that?

A On the 13th of April.

Q About what time was that when you went from the Kaserne towards the barn?

A In the evening around 4:30.

Q Now, will you look around this courtroom and see if there is any man here in this room who was with you on thatmarch from the Kaserne to the barn?

You have the permission to get up and wal- around the room. Ask him to do that.

Go up there and point to him. Stand right in front of him and point at him.

A This here one.

Q What is his name, if you know?

A I knew only his first name. Walter. I knew it from what the Russian told me.

Q Do you know from what camp he came?

A No, I don't know. I was only told that he was a clerk.

Q PROSECUTION: I pray the court's judgement. I am going to move for the record that the record show that the witness has identified the accused. I am going to state his name unless objection is made now. I think he has identified him sufficiently for all purposes.

DEFENSE COUNSEL: I object to that, if it please the court. I think that he should refer to him by his number since he has indicated one of the accused not being able to give his name. The accused should be instructed to turn his number over and all testimony should be referred to by thenumber only.

PROSECUTION: He gave his first name and his occupation.

PRESIDENT: The motion of the prosecution is granted. The identification made by the witness will be allowed.

PROSECUTION: Let the record show that the witness has identified the accused Ulbricht wearing placard number 17.

QUESTIONS BY THE PROSECUTION:

Q Tell the court exactly where you saw the man to whom you pointed and what he was doing?

A He left with us at Gardelegen to go with us in the direction of the barn.

Q What do youmean when you say he left with you from Gardelegen?

A From the riding hall at Dardelgen to go to the barn.

Q Just exactly where did you see him for the first time?

A When we left the riding hall at Dardelgen.

Q This riding hall was that the same thing as the Kaserne or was it a different building?

A I don't understand. The barracks was the place where we had all assembled.

Q How far was the riding hall from the Kaserne?

A This is difficult to judge. Around 15 hundred meters.

Q What was he doing when you first saw him?

A He wore a uniform, an army uniform and partly an SS uniform.

Q Will you translate what he said so far?

A He wore a uniform which was partly from the army uniform and partly SS uniform. They were old clothes like you can usually find anywhere.

Q Did he carry anything?

A I don't understand it.

Q Did he have anything in his hands?

A He had a rifle.

Q What did you see him do on the march from the riding academy towards the barn?

A He was shouting all along the road.

Q Can you tell the court anything that he said?

A He was speaking German and it is very difficult for me to tell youwhat he said because I don't speak German but I know he said "Weiter" and "Schnell".

Q How far was the man you have identified from you during the march from the riding academy to the barn?

A One meter fifty away from me.

Q How long did the march from the riding academy up to thebarn last--approximately the best you can estimate?

A Rather long because we had to make a pause which lasted for about 20 minutes.

Q Well what is your best estimate of how long it took from the time you left the riding academy until the time you reached the barn?

A More than an hour.

Q What part of the time that it took to march from the riding academy to the barn did the man you have identified or was the man you have identified within your sight?

A During one hour.

Q Where did you last see him?

A When I entered the barn.

Q As you entered the barn where was he standing?

A He stepped aside to let us pass.

Q Where was he marching with respect to the head of the column of which you were a part?

A On theleft of the column.

Q On what part of the column were you?

A In the middle.

Q How many ranks were in that column?

I will withdraw that question. How many people were marching abreast?

A Five.

Q What was there about what he did or said which made him stick out or stand out in your memory?

A He escorted us up to the barn.

Q Had you ever seen him before that day?

A No.

Q Is there any question in your mind about the fact that you saw him there during the march as you have told this court?

A No, there is no doubt.

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Q In which camp did you serve as a prisoner before you went on the transport?

A Buchenwald, Dora, Wieda, Mackenrode and Osterode.

Q How long were you in Wieda?

A 15 days.

PROSECUTION: Your witness.

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q This man that you saw marching along the column with you, was he tall or short?

A Tall.

Q Was he taller than you?

A Oh yes! Much.

Q What is your height?

A One meter 64.

Q What do you estimate the height of that man to have been?

A One 75.

Q Where did you hear that his name was Walter?

A Through a Russian.

Q Was this Russian part of this column that was marching with you?

A He was part of the column.

Q Was this Russian marching next to you or near you?

A He was marching near me.

Q Did you speak to him at that time?

A Yes I was talking to him.

Q In French.

A In mixture of French, German and Russian. The usual mixture we would talk among prisoners in a camp to understand each other.

(Chamaillard-cross)

Q How did you happen to ask him the man's name or did you ask him the man's name?

A I showed him a man who was walking on the other side whose name was Walter as well who had been foreman at Mackenrode. At the same occasion he showed me on the other side another man called Walter who was a clerk in his detail.

Q This Russian came from the same camp as you did he not?

A Not the same camp as me, the same camp the accused was in.

Q In which camp was that?

A He didn't tell me.

Q Did he tell you that this man was a clerk on his detail?

A Yes.

Q Was this Russian from one of the outcamps of Dora?

A I didn't know him before either.

Q Did you know whether he was from Dora or one of the other outcamps?

A I didn't know this one.

Q How did you happen to recognize the accused here today?

A He didn't change, only he is more fate or he put on weight.

Q DEFENSE COUNSEL: We have no further questions.

PROSECUTION: Anything by the court?

EXAMINATION BY THE COURT

QUESTIONS BY MEMBERS OF THE COURT:

Q Do you know if the man you identified here was a prisoner or a guard?

A I didn't know anything about him before the Russian told me about him.

Q Did the Russian tell you whether or not he was a prisoner or a guard?

A The clerks were all prisoners.

PRESIDENT: No further questions by the court.

(Chemaillard-court)

REDIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION:

Q Are you familiar with the clothing that prisoners wear?

A Yes.

Q Did he have on prisoner clothing at the time?

A I never saw him in a prisoner's uniform. I only saw him in a mixed uniform--Army and SS.

PROSECUTION: I have nothing further.

DEFENSE COUNSEL: No further questions.

PROSECUTION: May the witness be permanently excused?

DEFENSE COUNSEL: We would like to talk to the witness if it please the court and we will then indicate our intentions in the morning.

PRESIDENT: The witness may be excused for the time being. Definite announcement will be made tomorrow morning.

(Thereupon the witness was excused and withdrew.)

PRESIDENT: The court will recess until nine o'clock tomorrow morning.

(Thereupon the court recessed at 1700 hours.)

MILITARY GOVERNMENT COURT

CASE RECORD

VOLUME 30
Pages 1976-2047

CASE NO. 000-50-37

PROSECUTOR Lt. Col. Wm. Perman

*SUMMARY
GENERAL

DEFENSE COUNSEL Maj. L. Poullada

INTERPRETERS Nelly Singer
Roland Carroll

PLACE Camp Dachau, Germany

REPORTERS Gloria M. Spears
Mabel D. Holt
Peter L. Di Curti
Eunice L. Hasdorff

DATE September 23 1947

WITNESSES

HEINZ MUELLER

ACCUSED ARTHUR KURT ANDRAE, et al

ADDRESS SEX AGE

FIRST CHARGE SECOND CHARGE

Corrections on pages 2016

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FINDINGS

PREVIOUS CONVICTIONS

IMPRISONMENT
SENTENCE
FINE

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(BEGINNING 194

AMOUNT
TO BE PAID BEFORE 194
FURTHER TERM OF IMPRISONMENT

CHARGE SHEET AND RECORD OF PROCEEDINGS ARE ANNEXED HERETO.

SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY

SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

RECORD OF TESTIMONY

in trial of

THE UNITED STATES versus ARTHUR KURT ANDRAE, et al

by

GENERAL MILITARY GOVERNMENT COURT

tried at

CAMP DACHAU, GERMANY Beginning 7 August 1947.

23 September 1947 Pages 1976 thru 2047.

TESTIMONY

WITNESSES	Direct	cross	Redirect	Recross	Court
Heinz MUELLER	1976	1993	2044 2008	2031	2047

EXHIBITS	Marked	Received
P-38 Statement of Heinz Mueller	2011	2030
P-39 Statement of Heinz Mueller	2011	
P-38-A English Translation of P-38	2029	2030

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23 Sep 47 - 1

Camp Dachau, Germany

23 September 1947

MORNING SESSION

(Whereupon the court reconvened at 0900 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present, the prosecution and the defense are represented by counsel, all of the accused are present, the reporter and interpreter are present.

There is a new witness to be called.

DEFENSE COUNSEL: If the court please, we would like to announce for the record that, as far as the defense is concerned, the last witness, Chamaillard, may be permanently excused.

(Whereupon the witness Heinz Mueller was duly sworn.)

PROSECUTION: Is any statement needed from the court that this witness Chamaillard is permanently excused?

PRESIDENT: I was just about to state: Let it be noted for the record that the witness Chamaillard is permanently excused.

HEINZ MUELLER, called as a witness by the prosecution, took the stand and being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q What is your full name?

A Heinz Mueller.

Q Where do you live?

A Hersfeld.

Q How old are you?

A 41.

Q What is your nationality?

A German.

Q And your civilian occupation?

A Machinist.

Camp Dachau, Germany

23 September 1947

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A Heinz Mueller.

Q Where do you live?

A Hersfeld.

Q How old are you?

A 41.

Q What is your nationality?

A German.

Q And your civilian occupation?

A Machinist.

Q Were you at one time a prisoner in Harzungen?

A Yes.

Q From when to when?

A From the first of August '44 until the 4th of April '45, until the evacuation.

Q When you came to Harzungen, who was the lager commandant?

A I do not recall exactly. It was Matheius or Frohne.

Q And who came after Frohne?

A I did not know any more camp commanders after Frohne.

Q Who was Matheius's deputy?

A As I have said before, I could not say for sure whether the camp commandant was Matheius or Frohne.

Q Will you look around the room and see if there are any people whom you met at Harzungen? Go up to them and point them out to the court.

PRESIDENT: Tell the witness to go right up to them and point them out.

A This one, (indicating) and this one (indicating).

Q What is the name of the man you pointed to first?

A Fuchsloch.

Q And the name of the man you pointed to second?

A Zwiener.

PROSECUTION: Let the record show the witness has identified the accused Fuchsloch wearing placard Number 6 and Zwiener wearing placard Number 19.

Q Where did you know Fuchsloch?

A In Harzungen.

Q What did he do?

A He was camp leader.

Q When did you first meet Fuchsloch?

A On the day of my arrival in Harzungen on the first of August 1944.

Q How long was Fuchsloch in Harzungen?

A Until the evacuation on the 4th of April 1945.

Q And during that entire period of time from August '44 until the evacuation, what were his duties in Harzungen?

A I know him from the first day until the end as camp leader.

Q What were your duties in Harzungen?

A I was capo from the quarry Netzkater.

Q What was this quarry at Netzkater?

A That was a work detail.

Q Were you there all the time you were at Harzungen?

A No.

Q Where were you after you left the quarry? What work did you do?

A On the 17th of December 1944 I was relieved from the quarry and then I became a camp policeman.

Q Did you see any dead prisoners in Harzungen?

A Yes.

Q Tell the court, so far as you know, the causes from which these prisoners died. Just name the cause.

A General bad treatment, undernourishment, hard labor, and beatings.

Q Who did the beating at Harzungen?

A The beating was done in many cases by the SS and in many other cases by the capoes.

Q Any other group of people besides the SS and capoes?

A I could not say that because I have not been at the various details at the construction site. If the civilians also beat, I wouldn't

know.

Q Name some of the people, one by one, who did the beating at Harzungen.

A I wouldn't know about any SS men. From the capoes -- as far as the capoes are concerned, there was a man whose first name was Koebes.

Q Who else? Just name them.

A Hannes Von Meer, a block eldest Fritz, Kurt Schroeder, Karl Schroer.

Q Did you mention two people's names -- Schroeder and Schroer?

A Yes, Schroeder and Schroer.

Q Who else?

A That is about as much as I recall right now.

Q Did you ever hear of someone in Harzungen whose nickname was The Baron?

A There was an inmate in Harzungen for a short time who was called The Baron, The Count, and The Zipper Capo.

Q Anybody else?

A No.

Q Now, this capo Koebes -- what was his job?

A The capo Koebes was in Harzungen in Block 8 or 9. He was block eldest there.

Q Did he have charge of a work detail?

A He had to feed and billet the work details in his block.

Q Now, tell the court about the beatings by Koebes.

DEFENSE COUNSEL: If the court please, I would like to object to that on the grounds of immateriality and irrelevancy, unless the prosecution intends to connect this with some of the accused.

PROSECUTION: Why, yes. The purpose of this examination is to

show what took place in the camp by way of beatings and the results of these beatings, the responsibility for which we expect to show lay with the man in charge at Dora -- the accused Fuchsloch.

PRESIDENT: Subject to connection with the accused in this case, the objection of the defense is overruled. The prosecution may proceed.

PROSECUTION: I will withdraw that question for the time being.

Q What were the duties, generally speaking, of Fuchsloch as the camp leader?

A He had, generally said, to inspect the camp; he had to go into the blocks; he had to see that they were clean and in good order; he had to inspect the kitchen; he also had to check the prisoners to receive the rations they were entitled to.

Q Who was the man who was the top man in charge of Harzungen?

A At the time when I was there, either Frohne or Matheius.

Q And who was the second man in charge?

DEFENSE COUNSEL: I would like to object to that, if the court please, on the grounds that this witness has testified that he didn't know whether Matheius or Frohne was the top man, but one was the top man and the other the second, and, therefore, the question has been answered.

PROSECUTION: I would like to try, may it please the court -- to try my case without too much advice and assistance.

PRESIDENT: The witness will answer the question.

A I have to make this clear. If Matheius was the man in charge, then Frohne wasn't there at all, and if Frohne had been the man in charge, then Matheius wasn't there at all.

Q All right, leaving out all consideration of Frohne or Matheius, who came next in charge of Harzungen?

A Fuchsloch.

Q Now I ask you to tell the court what you know about the beatings by this man Koebes.

A There were three shifts in the block of Koebes and those shifts were to work at various times. One shift went to work at 6 o'clock in the morning; the other one at 2 p.m.; and the other one at 10 p.m.

Q Where did they work?

A In the tunnels.

Q There were those tunnels?

A They were in Dora. They were attached to the so-called Mittel Werke.

Q All right, continue please with the story of the beatings by Koebes.

A When those details came back from work, and mainly when they came in order to receive their food, there was always a lot of commotion going on when the prisoners were about to receive their food. The men were very hungry; they were shoved around; they pushed themselves around; and then this man arbitrarily hit those people who came there to get their food.

Q Describe these beatings.

A The beating was done on the average with a stick. Sometimes it was a long stick; sometimes it was a short stick; sometimes it was a thin stick; and sometimes it was a thick stick; but mostly the beating was done with a rubber cable which had the width of a "pinkie."

Q Of what -- what is a "pinkie"?

A The little finger.

Q How wide is the little finger -- in centimeters, how thick is it?

A One to one and a half centimeters.

Q Where did he beat them? On what parts of the body?

A If he wanted to punish a man, then he especially called him out and he usually hit him on his behind.

Q Where else did he hit him?

A But when he hit generally, when he just hit into the crowd, then it didn't make the slightest difference; he either hit them over the head or over the back or over the hands, or just wherever he happened to hit them.

Q What happened to these people who were beaten by Koebes?

A I couldn't say if it was one or two or three men, but there were people who were beaten to death by Koebes.

Q Can you tell the court the period of time during which the beatings by Koebes took place?

A On the first of August 1944 Koebes came from Dora with about two to three hundred inmates to Hertungen.

Q And how long was he there?

A From the first or perhaps from the second of August '44 until the end, until the 4th of April '45, he was block eldest.

Q And during what portion of that time did he do these beatings?

A It happened on the average all the time.

Q Now, you also mention Von Neer as a beater. What was his job?

A Block eldest.

Q Tell the court what you know about the beatings by Von Meer.

A I have a question, do you want me to tell everything which Von Meer did in detail, or can I answer that by answering he did, generally speaking, the same thing like the other men?

Q Give us a little detail, what did he use to beat with, where did he beat?

A The same instruments like the men I previously mentioned.

Q When did Von Meer come to Harzungen?

A Von Meer was already in Harzungen when I got there, until the end.

Q Now, these beatings, going back to Koebes, were all the beatings by Koebes inside the camp or did some of them take place some other place?

A As far as I know the beatings by Koebes occurred always in camp since Koebes was working in camp and he had nothing at all to do with the work details.

Q How about Von Meer?

A I have mentioned before that Koebes was in charge of either Block 8 or 9. If Koebes had Block 8, then Von Meer had Block 9.

Q What work did the prisoners in Von Meer's block do?

A The inmates who were in Von Meer's block did the same kind of work like the inmates in Koebes' block.

Q What happened to the prisoners that Von Meer beat.

A Some of them came to the dispensary. I don't know if there were any dead ones, but Von Meer had the reputation as being the biggest beater among the block eldests in camp.

Q How often would he beat?

A I don't know that because I never was in his block. I never was billeted in his block.

Q How often did he beat as far as you know?

A There was continuous beating. It didn't make any difference if this was at 6 o'clock in the morning or at 2 o'clock in the afternoon, or

10 o'clock at night. Every time the details marched to work or came back to camp there was beating.

Q Now, you mentioned a man by the name of Fritz. What can you tell the court about what he did?

A Fritz was block eldest in Block 7.

Q Tell the court about his beatings.

DEFENSE COUNSEL: If it please the court, I would like to reiterate my objection at this time on the grounds that this is all general conditions and has nothing to do with the accused as far as I can see. It is repetitious and time-consuming. I would like to object to this line of questioning.

PROSECUTION: I will withdraw my last question.

PRESIDENT: Will the interpreter state to the witness and to the accused that the last question by the prosecutor is withdrawn?

(Whereupon the interpreter did as directed.)

QUESTIONS BY PROSECUTION:

Q Now, without asking you to tell what each person did, the names of whom you have mentioned, I will ask you this question. Did all the beatings with which you are familiar take place inside the camp, or did some of them take place outside the camp?

A There was also beating outside the camp.

Q Now, these prisoners who were beaten outside the camp, how were they brought back to the camp--did they walk back to the camp themselves, or were they carried?

A Some were carried back and some walked back--that depended completely on how many blows they had received.

Q Now, as the prisoners marched back to the camp from their work details, was there a gate through which they had to march?

A Yes.

Q Now, these prisoners who were so badly beaten that they had to be carried, were they brought back into the camp through the same gate or a different gate?

A All prisoners who returned from work from the outside had to march back through the same gate.

Q Who would be there at the gate to inspect these details as they came back to work?

A There were usually three to four guards at the gate who inspected the details, either Frohne was standing there or Fuchsloch was standing there and then they counted the men. Frohne and Fuchsloch actually had nothing to do with the counting of the men because the counting was done by the roll call leader whose job it was to keep the men together and who were accountable for the right amount. I don't know if the two men were also standing at the gate at 10 o'clock at night or at 12 o'clock at night since my details never came in that late.

Q Now, can you tell the court whether or not Fuchsloch knew what went on in the camp outside the camp?

DEFENSE COUNSEL: I object, if it please the court.

PROSECUTION: Let me finish the question, please. --As far as the treatment of the prisoners was concerned.

DEFENSE COUNSEL: I would like to object to that, if it please the court, on the grounds that it calls for pure speculation on the part of the witness of what Fuchsloch knew or did not know. He has no way of knowing what went on in Fuchsloch's mind.

PROSECUTION: My question is, "did he know", "how he knew" is a subject for cross examination if I don't bring it out, but certainly he is entitled to answer whether he knew or didn't know--that is not speculation, that is a plain question of fact.

DEFENSE COUNSEL: The question was "Did you" or "didn't you know" whether something goes on in another person's mind.

PROSECUTION: My question is, "Do you know whether or not Fuchsloch knew of the beatings which took place in camp, and of the results of these beatings". If that isn't the way I asked it, I will ask it now.

DEFENSE COUNSEL: If it please the court, that is definitely an improper question because it calls for a conclusion on the part of this witness because it calls for a conclusion of what went on in another person's mind.

PRESIDENT: The objection is sustained.

PROSECUTION: I beg the court's reconsideration. I am asking if he knew, and I am going to ask on what basis he knew. I can't help it, I have got to make an offer of proof.

DEFENSE COUNSEL: If it please the court, I suggest the proper way of questioning is to ask what Fuchsloch did and did not do, and where he was present, and where he was not present, and it is for the court to decide if other facts existed.

PROSECUTION: I am going to make my offer of proof and then I am going to ask the court to reconsider its decision.

PRESIDENT: The court does not desire to reconsider its ruling.

QUESTIONS BY PROSECUTION:

Q You stated, I believe, that you saw Fuchsloch at the gate as these prisoners came by on the stretcher. Did you say that just a few minutes ago?

DEFENSE COUNSEL: If it please the court, I object to that. That is improper direct examination, and the witness has definitely not testified anything of the kind. He said on some occasions Fuchsloch was present when the prisoners walked back to work, nothing was said about any occasion when any man was on a stretcher.

PROSECUTION: I will withdraw the question.

QUESTIONS BY PROSECUTION:

Q Do you remember some occasions when prisoners were brought back from their work details to the camp on a stretcher?

A Yes.

Q Who was present at the entrance door of the camp on those occasions?

A I cannot answer that question very definitely. Either Fronne may have been standing there or Fuchsloch. It is a fact that there were always three to four of those SS people hanging around the gate at those occasions, and if it was not Fronne, then it was Fuchsloch.

Q Do you know whether reports of these beatings by these people whose names you have mentioned and others came to Fuchsloch?

A No.

Q Who was the person in Harzungen who officially decided what punishment prisoners would receive--responsible persons?

DEFENSE COUNSEL: Just a minute, would you like to add "if you know", or otherwise I would object to the question?

PROSECUTION: If you know.

THE WITNESS: I have been in camp Buchenwald for four to five years.

PROSECUTION: I didn't ask him a thing about Buchenwald.

THE WITNESS: Yes, but I can only answer that question in that way.

QUESTIONS BY PROSECUTION:

Q My question is, do you know which person or persons in Harzungen officially decided what punishment prisoners should receive?

A If I am not permitted to answer the question the way I wanted to then I will not be able to answer your question.

Q Well, go ahead, and answer it the way you want to.

A In other camps where I was, punishment was decided either by the camp commandant or by the camp leader.

Q As far as you know, was that the same system that was in effect in Harzungen?

A Because Camp Harzungen was subordinate to the other camps where I was.

Q Now, you testified--

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DEFENSE COUNSEL: Just a minute. If it please the court, I would like to make a motion to strike the witness' last two answers, the questions and answers, on two grounds, first, that it was not responsive to the question, and the second one, that it was a conclusion by the witness on what the method in Harzungen was, derived from the experience in previous camps.

PROSECUTION: I will ask another question, as far as you know--

PRESIDENT: The objection is overruled.

PROSECUTION: I will withdraw the few words I just said.

DEFENSE COUNSEL: I understand that the motion to strike is not granted, is that correct?

PRESIDENT: Yes.

QUESTIONS BY PROSECUTION:

Q Now, you have testified, Herr Mueller, that prisoners who were beaten on work details outside the camp were brought to the camp--into the camp through the gate. Was an examination made at the gate by anyone to determine whether or not these people brought in on a stretcher were alive or were dead?

A No. If a detail took off for work in the morning and having the strength of 60 men, for example, and if they returned and they had one man dead, then they were reported as 49 men present and one dead body.

Q Now, you stated before, Herr Mueller, that the causes of death was insufficient food. Can you tell the court anything special about things that happened involving food. I don't mean what the food was, but anything special which grew out of the food?

A I have to talk about myself now. If I have to perform labor as hard as people had to do in Harzungen and if I have to get up at 4 o'clock in the morning in order to go to work at 6 o'clock in the morning, and if I am through work at 2 o'clock in the afternoon, but I only return to camp at 4 o'clock in the afternoon after this hard labor which people had to

perform, then it is completely impossible that I can remain alive with one-seventh or perhaps one-sixth of a loaf of bread a day and with one litor of soupy food. And if I have to do the work which is subterranean work which is very unhealthy, consider the dirt and the dust and consider the close air, this also makes it impossible that I can keep alive for a long time.

PRESIDENT: The court will recess for 20 minutes.

(Whereupon the court recessed at 1000 hours.)

* * * *

(The court reconvened at 1020 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present, prosecution and defense are represented by counsel, all the accused are present, the reporter and the interpreter are present. At the end of the last session the witness Mueller was under direct examination.

HEINZ MUELLER, having been previously sworn, resumed the witness stand and testified further though an interpreter as follows:

PRESIDENT: The witness is reminded that he is still under oath.

A Yes.

PROSECUTION: Now at the end of the last session I asked you if there was anything special which had to do with food, not what the food was or what related to food in some way, and you had not completed your answer. Or had you? Have you anything to add to that question?

A I would like to request that the last thing that I said be repeated to me so that I can remember exactly the sense of what I was saying.

(The answer was read by the reporter.)

PRESIDENT: Mr. Carroll, you translated that answer?

INTERPRETER CARROLL: Yes, sir.

PRESIDENT: CAn you give the witness a summary of what he said, rather than having Miss Binger take the time to translate the whole thing.

(Interpreter Carroll then gave the witness a summary of his answer.)

A Yes.

Q Now have you anything to add to that?

A To this I would have nothing further to add.

Q Do you know whether or not there was any dealing in food at Harzungen? Black market dealing in food?

A Yes.

Q Tell the court about that.

A There were various capos and even block eldests who would go up

to prisoners and say, and very many of the room orderlies who had to distribute the food, they would go up to a prisoner in many instances, in addition to the bread and to the soup there were additional rations, for instance sausage, margerine or marmalade or cheese and the room orderlies, the kapos and even the block eldests went up to the prisoner and said,"If you will give me your sausage now I will give you half a liter of food, or even a liter of food."

DEFENSE COUNSEL: Excuse me, didn't he say butter, instead of margerine, in the first half of that answer?

INTERPRETER: He said butter.

A I said butter, but it was margerine.

Q Has he finished?

A No. And this margerine or these fat products, this butter or this sausage, this was then taken away from the prisoner as well. Then the majority of the prisoners did not think of the quality of food, but they were more interested in obtaining a quantity of food. This is all I have to say about this.

Q Now when these prisoners were brought back to the jail on the stretchers, the ones that had been beaten, you told the court how the report was made. Did any one, to your knowledge, in your hearing, ask from what cause the prisoners had died?

A No. The question was never asked in the camp. It didn't make any difference if they had died from beatings, from malnutrition or from an accident. The main point was that the corresponding number of prisoners came back into the camp in the evening who had left the camp in the morning. Whether they were dead or not, or in what condition they were, was immaterial.

Q Can you tell the court how prisoners who had these Schonung zettels were treated? These convalescent slips, rest slips?

A If a prisoner had one of these rest slips he had to show this rest slip to the capo, and this capo then reported from his strength report one

prisoner, or so many prisoners, for convalescence. If they then went under convalescence they remained behind in the block and they did not, however, receive the same bread rations as the prisoners who were working. And the noon meal was also not the same as the working prisoners. These could then remain in the block the entire day. If they did not have hand or feet diseases they partly were then used by the capos for block work.

Q Now do you know whether or not these convalescent slips were always respected?

Q These people who had convalescent slips, as far as the camp administration was concerned, they were taken into consideration, but nevertheless the capos or the block eldest said that this man is gold-brisking, and simply took these rest slips away from them and tore them up.

Q Were you ever present when the sentence or punishment was announced?

A No. In this detail of which I was in charge three Russians were once assigned there and once a Belgian, but they were assigned to this detail for punishment.

Q Were you ever present when any sentences for punishment were announced in the camp?

A No.

Q Did you ever see anybody beaten in camp as punishment, by order?

A No.

PROSECUTION: You may cross examine.

PRESIDENT: Have you finished now?

PROSECUTION: I am just debating in my mind what to do with this man.

PRESIDENT: Have you finished your direct examination?

PROSECUTION: For the time being; yes.

CROSS EXAMINATION

QUESTIONS BY DR. TRIMOND (in behalf of the accused Fuchsloch)

Q Do you remember that you stated in your direct examination that Mathesius and Frohne were camp leaders?

A I didn't say that they were camp leaders. I didn't say that they were directly camp leaders, I said that Mathesius and Frohne were camp commandants.

Q Is the name Schloegel or Schlegel known to you?

A Yes.

Q What position did this Schloegel hold?

A Schloegel was present there at that time as the camp commandant.

Q When? From when till when was Schloegel camp commandant in Harzungen?

A I believe before Frohne.

Q Can you state when he was relieved by Frohne?

A No, I can't state the date any more.

Q Did Schloegel relieve Mathesius?

A That I also can't state any more, if he relieved Mathesius or Frohne.

Q Wasn't it this way, that outside of Schloegel or Frohne, who were camp commandants, that Mathesius was a camp leader?

A That I can't say because when I came to Harzungen Mathesius was there, but I can't definitely state if, in addition to Mathesius, Frohne was still there or if Schloegel was still there.

Q Wasn't it so that in addition to other officers, Mathesius was also camp commandant at the same time?

A No, I can't say that.

Q You stated before that Fuchsloch was the camp leader from the day that you arrived at Harzungen from August first 1944, until the evacuation. Is that right?

A Yes.

Q Wasn't it so that Mathesius was the camp leader, as such, of Camp Harzungen and that Fuchsloch did not hold this position?

A This I cannot say, as Mathesius was only there a short time after I arrived at the camp.

Q What ranks did Mathesius, Schloegel and Frohne hold?

A The insignia of rank which Mathesius was wearing I can't remember today, even if he was from the SS or the aircorps. And the rank of Frohne and Schloegel, as far as I know, was capitain.

Q Isn't it correct that Mathesius had the rank of an officer?

A This question I cannot answer today, because I even don't know if Mathesius was in the SS or in the air corps. I can't remember today what rank he held.

Q You made a statement before about the activity of Fuchsloch in the camp. In August 1944 when you came into the camp was a bath constructed there already, were the streets in the camp constructed already, was there a street from the camp to the railroad station already?

A No.

Q Who took care of these constructions?

A The construction work which was done during the time that I was in the camp there and Fuchsloch inspected this construction work, but if he gave the order to have these streets constructed or to have this construction work done is beyond my knowledge. In connection with this I would like to say something further. I know that Fuchsloch went to a great deal of effort to obtain stones from this detail on which I was working, the stone quarry detail.

Q Do you know if Fuchsloch was assigned to take care of the construction work in camp Harzungen?

A That I don't know, if Fuchsloch had been ordered to do this directly.

(Mueller - cross)

Q You spoke before about the reasons which caused the death of prisoners. Was it not so that the death rate increased when these transports from Gross Rosen and Auschwich arrived in the camp from Austria?

A Yes. After these transports arrived from the east, if they came from Gross Rosen or from Auschwich I do not know, but after these transports arrived I can state that the death rate increased by 50%, if not more.

Q Isn't it a fact that this death rate increased because these evacuations from the east arrived in such condition that even the camp administration couldn't do anything for them?

PROSECUTION: I pray the court's judgment.

DR. TRIMOLD: May I please know the reason for this objection?

PROSECUTION: The reason is obvious; he is asking this man for a conclusion. How is he in position to know whether the camp commanders could do anything or not? That is something for the court to decide.

DR. TRIMOLD: I would like to add: As far as you know.

PROSECUTION: I still object.

PRESIDENT: Objection sustained. The witness will not answer the question.

Q Is it known to you that prisoners died because they did not follow the instructions of the camp doctor? They died of their own accord?

A Yes.

Q Please tell us about it?

A I remember one case where the prisoners doctor, he was a Frenchman, in the evening when all the details had come back to the camp he had them all line up and let it be known that the camp administration had prohibitted the continuance of the purchase of the chewing tobacco ration

to such an extent which it had been doing so up to the present time.

Q Continue?

A And he gave as the reason for this that those prisoners who did not want to go to work or who tried to get out of working, that they took this chewing tobacco, that they washed it and they pressed it out and that they then drank this resulting liquid, and that due to this reason many of the prisoners had very heavy diarrhea and that various other diseases had broken out and that several of the prisoners had died from this.

Q Do you know why the prisoners did this?

A No.

Q Do you know whether the prisoners continued this type of activity even after the prisoners' doctor had stated that it was forbidden?

A I never saw anybody who did this and I later on didn't hear if anybody continued to do this.

Q Is it known to you that prisoners who had been involved in accidents in their place of work were also carried into camp on stretchers?

A I remember one case of an accident which occurred in the tunnel whereby seven or eight prisoners remained dead. But these were not carried back into the camp but were taken directly from the place of work to Dora.

Q Wasn't it so that prisoners who were dead were taken directly from their place of work to Dora and were not even taken to the camp at all?

A No.

Q You stated before at the gate during the marching in of the work details that Frohne or Fuchslock or other SS members were standing there. Who took over the report of the marching in of the work details?

A The report of the details who were marching in was taken by the roll call leader.

Q If I understand you correctly, only the roll call leader took the reports of the marching in details and the others who were standing around didn't pay any attention to this?

A No. The roll call leader who took the report of the capo, the strength report of the capo and then had counted the prisoners, he would then turn this report over to his superior. I don't know whether it was Frohne or Fuchslock or whoever it was.

Q On the average how long did this process take at the gate of the details who were marching in there?

A I would have to ask a question here. Do you mean the individual details or the entire details altogether?

Q I mean the individual detail.

A Then again this would depend upon the strength of the details. There were details which consisted of three to four hundred to seven hundred or eight hundred or there were other details which consisted of 20, 22, 30 or 40.

Q Where was the bath in connection with the main entrance?

A If one entered the camp the bath was on the left side.

Q How far was the bath from the main entrance?

A A maximum distance of 50 to 60 meters.

Q You talked before about additional rations which were issued. Do you mean with that the heavy workers additional ration?

A No, I mean with that the general additional rations.

(Mueller-cross)

Q In addition to these general additional rations was there also a heavy workers ration issued?

A This I don't know. In my detail outside of the normal rations we didn't receive any additional rations.

Q Didn't your stone quarry detail receive additional rations of soup?

A Yes. The detail stone quarry received additional ration of soup but this soup was not considered a heavy worker's additional ration but I personally had intervened for this additional ration.

Q To whom did you go?

A To Fuchsloch.

Q Tell us please.

A At that time because I had this punishment detail--already in Dora I had already gotten this additional food there--and on this basis then when the detail came to Harzungen I went to Fuchsloch and told him that we had already received this food in Dora and if it was possible to receive this additional food which was left over in the kitchen. Fuchsloch listened to me and he said he wanted to speak to the kitchen chef about this matter. Therefore, he went together with me from the orderly room to the kitchen chef, told him the story and from this time on I received this food, this so-called food, this food which was left over after the blocks had all received their food.

Q Was Fuchsloch the one who prevailed upon the kitchen chef to distribute this food for your detail?

A As I have already stated I went to Fuchsloch about this matter. Fuchsloch then went together with me to the kitchen chef and spoke to the kitchen chef about this matter because I personally could not talk to the kitchen chef about this special permission.

Q Was Fuchsloch also in charge of the kitchen?

A I have, on several occasions, seen Fuchsloch in the kitchen and saw how he tasted the food. If that was a supervision I don't know. That is beyond my knowledge.

Q Do you know if he tried to do away with black marketing in the kitchen?

A Yes. One day a pig was stolen in the prisoner's kitchen and this pig was stolen by the SS. How this came out I don't know, but at any rate Fuchsloch found the pig in the so-called village smithy's shop of Harzungen. He got the pig from there then and brought it back to the kitchen--that is he brought it back. If the pig was then placed again at the disposal of the prisoners or not I don't know.

Q You spoke before about the fact that the bread ration consisted of one sixth or one seventh of a loaf of bread. How heavy was this bread?

A Three pounds.

Q Isn't it so that the bread ration in some instances was considerably higher?

A These bread rations were not always for six or seven men. From August until October, it is even possible until November, we received one loaf of bread for four men and then again it happened that one loaf of bread was for five, six or seven or even for eight men.

Q Wasn't it so that on several occasions that one loaf of bread was placed at the disposal of prisoners--additional?

A There was a time that we didn't receive the bread from Dora any longer but that a bakery was constructed in Harzungen. We then sometimes received a half loaf of bread and that sometimes, once or twice, I can't state exactly how often, we received an entire loaf of bread.

Q You spoke about a bakery which was equipped in Harzungen. When was this?

A I cannot say if it was the end of 1944 or the beginning of 1945 or whether it was one or two months before the evacuation.

Q Who installed this bakery and why?

PROSECUTION: I pray the court's judgement.

(Mueller-cross)

PRESIDENT: The witness may answer the question if he knows of his own knowledge.

THE WITNESS: Who installed the bakery I don't know.

QUESTIONS BY DOCTOR TRIMOLT:

Q Do you know why it was installed? That was my additional question.

A There was talk about this. If it was actually so I don't know.

PROSECUTION: I pray the court's judgement. If I remember the court gave permission to answer the original question, if he knew. This is the same type of question. he stated he doesn't know. I ask that my objection to the question be passed on by the court. I mean to object to it before but my mind was wandering a little.

DOCTOR TRIMOLT: The answer of the witness has not been finished as yet.

PRESIDENT: The witness will complete his answer.

THE WITNESS: From Dora the bread which was sent was moldy. In many instances the bread which was sent from Dora was moldy and through this the prisoners did not receive one sixth, one fourth, one seventh or one eighth of a loaf of bread but they had considerably less because they had to cut out this moldy part of the bread.

QUESTIONS BY DOCTOR TRIMOLT:

Q Continue.

A I don't know what to say further.

Q What was the quality of the bread?

PROSECUTION: I pray the court's judgement. Which bread?

Q The bread that was baked in the bakery in Harzungen.

A The bread which was baked in Harzungen was of a better quality than that bread we received from Dora.

Q You spoke about the fact that the capos and the block eldests in many instances tore up the rest slips of the prisoners. Do you know, from your own experience if the camp administration intervened or did anything about this matter?

A For the most part the camp administration knew nothing about these rest slips which the capos or the block eldests had torn up from the prisoners.

(Thereupon the German defense counsel asked a question.)

PRESIDENT: What was the question of the defense counsel?

Q Are you finished?

A No. The camp administration knew nothing about these rest slips but if such a rest slip was torn up either by a block eldest or a capo the prisoner was too timid and too afraid to complain to the camp administration. That is all.

Q Where was the canteen in Camp Harzungen? In which Block?

A I can't remember anymore if this block was five or six.

Q Is it known to you that the prisoner's canteen was in block two?

A I didn't understand the last word which you said.

Q Is it known to you that the prisoner's canteen in camp Harzungen was in Block two?

A No.

Q When you came to Camp Harzungen the canteen was not in Block two any longer, is that correct?

A The canteen was not in block two.

PROSECUTION: I don't remember asking a single question about a canteen.

PRESIDENT: Objection sustained.

Q You spoke before that you were relieved as capo of the detail Metzkater--you were relieved on the 17th of December, 1944. Do you remember?

A Yes.

Q Why were you relieved as capo of the detail Metzkater?

A When I personally came from Dora to Harzungen I received a new detail leader. That was not one who belonged to the SS, but was a member of the air corps. And together with him on various times I went for a walk around the

(Mueller-cross)

vicinity.

PROSECUTION: Excuse me a minute. What was the question?

(Thereupon the reporter repeated the last question as follows:

"Q Why were you relieved as capo of the detail Metzkater?")

PRESIDENT: Has the witness completed his answer?

THE WITNESS: No. I went together with this detail leader on various occasions for a walk in the vicinity and among other things we got to know two girls. We were together with these girls on various occasions but one day a guard surprised us and caught us and made a report about this. Two days later I marched into camp. It was on a saturday and on the basis of this report I was relieved.

Q Were you punished?

A No.

Q What happened then? How long were you active in the camp security?

A It could have been 14 days to three weeks.

Q Wasn't there any report made about this incident about these girls?

PROSECUTION: I pray the court's judgement. I think she finished.

Q Isn't it a fact that Fuchsloch---

PRESIDENT: Just a minute. There is an objection before the court.

PROSECUTION: What is the materiality of whether he was caught with a couple of girls and that a report wasn't made?

DOCTOR TRIBOLT: I would like to make a connection between the answer of the witness that he was not punished for this deed and who was the man who was responsible for the fact that he was not punished--that a report was not made about this incident.

PROSECUTION: I pray the court's judgement.

PRESIDENT: The objection is overruled.

Q Isn't it a fact that Fuchsloch did not make a report about this incident with these girls?

A This report was made by one of the guards and I was called to the camp commandant, at the time Frohne, and at this interrogation Fuchsloch was

present. If it was due to Fachsloch or if it was due to Frohne that no report was made about this I do not know.

Q Wasn't it so that a report should have been made that a report should have had to go to Dora in case ye know?

PROSECUTION: I object.

PRESIDENT: Objection sustained.

Q Did you ever hear about an incident where a gypsy had to run around the roll call field and holler, "Hooray! I am back again."?

A Because I didn't have to be present at roll call very often in the morning or in the evening. I was away from the camp during the entire day. Such an incident was not known to me.

Q I will come back to the incident of these two girls, where you were together with the camp commandant and Fuchsloch was present there, did Fuchsloch state anything or say anything for you?

PROSECUTION: I pray the court's judgment. There is no fuss being made about these two girls or any two girls I ever heard of in Germany. I object.

PRESIDENT: The objection is overruled.

WITNESS HEINZ MUELLER: I don't remember the last question.

(Whereupon the last previous question was repeated to the witness by the interpreter.)

A No. On the same evening they were still laughing -- they laughed about this incident, and in the next morning a further investigation was made among the detail.

Q What was the attitude of the prisoners toward Fuchsloch?

PROSECUTION: I object.

INTERPRETER NELLY SINGER: "What was the relationship of the prisoners with Fuchsloch?"

PRESIDENT: I don't believe the court understands the question.

DR. TRIMOLT: I will rephrase the question.

Q Mr. Mueller, did you observe how Fuchsloch conducted himself towards the prisoners?

PRESIDENT: The witness may answer the question.

A The general relationship of Fuchsloch and the prisoners, I can not judge, because I was not present in the camp during the entire day.

Q Can you state individual incidents between Fuchsloch and the prisoners after you can not state any general attitude?

PROSECUTION: I objection to that question.

PRESIDENT: The witness may answer the question.

A How the individual prisoner or how the prisoners in general

felt towards Fuchsloch, I certainly can not judge, but from my own personal feeling, how I felt toward him, I can make a statement.

PROSECUTION: Now, I would like to remind the court this is opening up a new field that I haven't touched, and if it is gone into, I am sure going to cross examine him on it, as I will have the right. He is now being made a defense witness.

PRESIDENT: Should I understand from that that you are objecting to this question?

PROSECUTION: Yes, sir.

DR. TRIMOLT: The witness has been asked under direct examination how Fuchsloch treated the prisoners, particularly if he had seen that prisoners were mistreated by other prisoners.

PRESIDENT: The objection is overruled. The witness may answer the question.

DR. TRIMOLT: Would the reporter please read back my last question.

(Whereupon the question referred to was read by the reporter as follows:

"Question: 'Can you state individual incidents between Fuchsloch and the prisoners after you can not state any general attitude?'")

DR. TRIMOLT: That has been answered.

PRESIDENT: The witness answered by stating, as I recall, that he could not draw any general conclusion, but he could answer as to what his own feelings about the accused Fuchsloch were. There was no further question, but there was an objection there.

Q How did Fuchsloch treat you personally, Mr. Mueller?

A I can only state that to me personally Fuchsloch was very courteous and, after I had been in Dora and Buchenwald, that in Fuchsloch I found a man who was a guard with human feelings and who treated the

people under him in a humanitarian manner.

Q What type of uniform did Fuchsloch wear when he was in the camp?

A When I came to the camp Harzungen, Fuchsloch was wearing an Air Corps uniform.

Q How long did he wear this uniform?

A This uniform was worn -- it could have been approximately four weeks until the evacuation.

Q What uniform did he wear then -- subsequently?

A Then the uniform of the SS was distributed.

Q Was there an insignia on this uniform with a death's-head?

PROSECUTION: I want to comment that once again they are going far beyond the scope of direct examination.

PRESIDENT: Are you objecting t the last question?

PROSECUTION: No, I am just making the notation as a matter of record.

DR. TRIMOLT: I withdraw my last question. I have no further questions.

PROSECUTION: May it please the court, this witness in his testimony throughout, in direct examination and in cross examination, was a complete surprise to the prosecution, not only in the things he didn't say but through the things he said, particularly the last sentence or the last statement he made with respect to his relationship to Fuchsloch. I now desire to cross examine on the grounds he has unexpectedly turned into a hostile witness and on the further grounds that the statements he has made here in court have been diametrically opposed and contradictory to other statements he has made on other occasions under oath. And on

those grounds I now desire to cross examine him.

DEFENSE COUNSEL: If the court please, before a decision is made on that point, I should like to comment it is my understanding on the law in this matter that the mere fact that a witness does not testify as favorably for the side which calls him as that side may think he should -- that alone is not sufficient grounds for turning him into a hostile witness. Furthermore, if this witness has made contradictory statements out of court, then I presume it will be the attempt of the prosecution to impeach his own witness; and, if that is so, then the law on that subject is different again, and for that purpose he must lay the proper foundation, which, I believe, he has not done. At this time, therefore, I respectfully submit that this witness has not been a hostile witness in the sense in which the law of evidence requires to entitle the prosecution to cross examine his own witness.

PROSECUTION: I appreciate, may it please the court, that the mere fact that the man hasn't told what I hoped or expected he would testify wouldn't be sufficient. That is not my point. And I also expect that I must lay a foundation before I can place my request before the court to be allowed to cross examine. I am merely stating at this time what I propose to do, and I do propose when the next court meets to lay the foundation for showing surprise in the most absolute sense, and not variations in testimony. But what he said about Fuchsloch treating people with the greatest humanitarianism, that is not a surprise when you compare that to what this man said under oath; that is more than a surprise; that is a complete "flip-flop."

PRESIDENT: The prosecution may proceed with the examination of the witness Mueller, but prior to doing so, the court will recess until 1330.

(Whereupon the court recessed at 1150 hours.)

(Whereupon the court reconvened at 1330 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record indicate that all the members of the court are present; the prosecution and the defense are represented by counsel; all of the accused are present; the reporter and interpreter are present. At the end of the last session the cross examination of the witness Mueller had been completed.

PRESIDENT: Let it be noted in the record that Major Vandorburgh has read the record covering that part of September 22 when he was excused from the court. The witness is reminded he is still under oath.

HEINZ MUELLER, called as a witness by the prosecution, resumed the stand, and being reminded that he was still under oath, testified further through an interpreter as follows:

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q During the intermission, dinner hour, you came up and spoke to this man sitting on my left, did you not, about some of the evidence which you gave this morning?

A Yes.

PROSECUTION: For the record, the name of the man pointed to is Karl Lilienthal.

Q What did you say to him?

A I have told him that my answer to the last question which I was asked by the defense counsel shortly before noon was misunderstood by the prosecutor.

Q What question was that?

A It was the question referring to the relations of the inmates to the camp leader, Fuchsloch. I had answered that I would not be in a position to judge how the prisoners in general felt about Fuchsloch, what their relations were to him, but I could only state my personal relations to Fuchsloch.

Q What made you think that the prosecutor did not understand your answer to that particular question?

A The reason I think that is that I was talking about my personal relation to Fuchsloch and not about the general relation in which the prisoners stood to him. One has to realize that the conditions in camp were the following, it was possible that one prisoner was on excellent terms with one of the guard while 8 or 10 others were on bad terms with the same guard.

Q Now, are you certain that I took exception to that answer to that question?

A I am of the opinion that the prosecutor has understood me to say that my relations with the camp leader were the same like all the other prisoners had them.

Q I now call your attention to this question asked you by the defense; do you remember being asked, "How did Fuchsloch treat you personally, Mr. Mueller"? Do you remember being asked that question?

A No. I only recall that I have been asked, "How were the prisoners' relations in general with Fuchsloch".

Q Do you remember saying, "I can only state that to me personally Fuchsloch was very courteous and after I had been in Dora and Buchenwald, that in Fuchsloch I found a man who was a guard with human feelings and who treated the people under him in a humanitarian manner"--do you remember giving that answer to a question--do you remember giving that answer--please, I am entitled to a "Yes" or "No" answer to that question--do you remember giving that answer?

PRESIDENT: Does the witness understand the question?

THE WITNESS: Yes.

PRESIDENT: The witness will answer that question "Yes" or "No".

THE WITNESS: I would say, Yes, but I would like to mention that I was referring to my personal relationship with Fuchsloch and not to the

relationship of the prisoners in body.

QUESTIONS BY PROSECUTION:

Q Now, let me direct your attention to this part of the answer, "who treated the people under him in a humanitarian manner"--who were the people under him you were referring to, you or the prisoners in general?

A With that I mean only myself personally.

Q Do you remember being questioned by me in my office sometime ago?

A Yes.

Q Were you examined at that time by me under oath?

A Yes.

Q And later on was your interrogation typed out in German?

A Yes.

Q And did you sign and swear to the German transcription of the interrogation of you made by myself?

A Yes.

Q I ask you to look at this--

DEFENSE COUNSEL: Just a minute, if the court please, I assume this is foundation for impeachment, and if the prosecution is intending to impeach his own witness he must first show to the satisfaction of the court that this witness is hostile to him, and I submit that the mere fact that this witness did not testify as completely in favor of the prosecution as the prosecution expected him to do does not make him a hostile witness. That is the general rule of law. The prosecution by its own statement at the beginning of the direct examination of this witness made it clear that they intended to prove by this witness only that certain general conditions in the camp were bad; that there were beatings, etc. I submit to the court that this witness so testified, and, therefore, was not hostile to the case which the prosecution was trying to bring out. The only possible grounds for hostility which the prosecution might bring forth is this statement which

the witness has made as to his personal relations with the accused, Buchsloch, and I submit that does not make him into a hostile witness within the sense which the law requires in order to enable the prosecution to impeach his own witness.

PROSECUTION: May I--

PRESIDENT: The prosecutor will continue with his examination.

PROSECUTION: Will you mark this for identification, please, and also this?

(The documents referred to were marked Prosecution Exhibits 38 and 39 for identification.)

DEFENSE COUNSEL: If it please the court, I should like to respectfully request a reconsideration of that ruling just made. In support of this request I should like to read from Section 1389 of Wharton's Criminal Evidence dealing with "Impeachment of own witness". There is a case which is cited in this book which is directly in point on the question which is raised before this court. It reads:

> "Thus, it is held that where a witness called for the state testifies in contradiction of statements previously made by him and in favor of the defendant, it is error to allow the state to prove statements previously made by him tending to establish the defendant's guilt."

There is a case which is directly in point, it is State versus Jackson, 7 S.C. 283. I submit that that case is directly in point on this question.

PROSECUTION: I would like, as a matter of record, if it please the court, to answer very briefly the statement made by the defense. In the first place, I am not concerned with the fact that the evidence of this witness is not as favorable as the prosecution had expected. What we propose to show far transgresses boundary or any failure to measure up. I don't want to characterize it any further than that beyond saying that we propose to show such a complete departure from what this witness has previously testified to under oath on more than one occasion, that is, the testimony

here this morning could not but be a complete surprise; secondly, the statement made by the defense that I stated to the court that all I expected to show by this witness was general conditions. The court will remember that I asked the defense to stipulate that these general conditions were chargeable to the accused, Fuchsloch, both as to knowledge and participation, and that the defense refused to do, and that is what is a matter of vital importance to the Government at this time. Now, I don't know about any South Carolina case, the law school I went to never paid much attention to South Carolina decisions, but I have got the Manual for Courts Martial here, and it states that:

> "The general rule is that a party is not permitted to impeach his own witness."

And on down, the general rule is subject to a few exceptions:

> "Thus, where a party is compelled to call a witness whom the law, or circumstances of the case, make indispensable, or where a witness proves unexpectedly hostile to the party calling him, such party is permitted to impeach the witness."

And we rest upon the bible of this court, and not upon a South Carolina decision, quoting some text book which is only one of 50 textbooks used in the United States.

PRESIDENT: The court will not change its ruling. The prosecution may proceed.

DEFENSE COUNSEL: In that case, if the court please, we would like permission to make this witness our own and we would like to have a recess to have an opportunity to talk to him.

PROSECUTION: If it please the court, I object.

PRESIDENT: The prosecution will proceed. There will be no recess of the court at this time.

QUESTIONS BY PROSECUTION:

Q I now show you what has been marked Prosecution exhibit for identification P-38 and ask you if that is the German transcription of the examination made of you by myself? Please examine those signatures.

A Yes.

Q Examine the signatures, please. Turn over the last page and look at it.

A Yes.

Q Was that statement signed and sworn to by you?

A Yes.

Q Now, I wish you would examine every page of this statement and tell the court what those initials are at the end of each page--at the bottom of each page--what is that?

A Those are my initials.

Q Do those initials appear on every page of that statement?

A Yes.

Q I now call your attention to some other things in that statement, for instance, on the bottom of page 1, your initials appear a second time under a change in the answer. hat does that mean?

A I have been misunderstood while I made that statement, and instead of putting down the "First of August", the "30th of October" was put on originally, and that later on was changed.

Q Then why did you sign your initials then?

A Because it was changed by the prosecutor.

Q Now, did you likewise initial every change in this statement where a change was made?

A Yes.

Q By whom were these changes made, or rather whose suggestions or requests were they made at?

A After I read the statement through I noticed that some of the statements were wrong, and I have said to the person who typed it that this was not correct, and after the changes were made I put my initials to them.

Q Did you read it through before you signed it?

A Yes.

Q And, in other words, this statement which you say you signed and swore to was changed to suit you, was it not?

A Yes.

Q I now show you what is marked Prosecution exhibit for identification P-39 and ask you just to look at it--look at the last page--is that your signature?

A Yes.

Q Now, sometime after you were examined by me were you subsequently examined by Captain McGarry, the officer who is sitting here?

A Yes.

Q And were you likewise examined by Capt. McGarry under oath?

A Yes.

Q Now I show you once again Prosecution Exhibit No. 39, which you say you signed. Did you sign and swear to that after you had read it?

A Yes.

Q Now is this on the right side and at the end of each page your initials, "H.M."? Examine it before you answer the question.

A Yes.

Q And this statement which you gave Capt. McGarry was also sworn to and signed by you after it was read, was it not?

A Yes.

Q Now do you remember yesterday talking with Capt. McGarry about your evidence today?

A Yes.

Q And at that time that you talked with Capt. McGarry did he go over with you some of the questions and answers which you had previously made in the signed and sworn statement which you gave to him?

A Yes.

Q Now were all the answers which you gave to the questions asked you, as stated in Prosecution Exhibit for Identification P-38 and P-39 the truth and nothing but the truth?

A Nothing but the truth.

Q In your examination by me and in your cross examination before this court, did you give the same answers which you had given to similar questions stated in these two signed statements?

DEFENSE COUNSEL: Just a minute. If the court please, I submit that that is improper impeachment practice. The proper way to do that is to read the exhibit to the court and the court may conclude whether the witness has testified the same way as he testified the previous time, as in the statement.

PROSECUTION: I offer Prosecution Exhibit 39 in conformance with the suggestion made by the defense.

DEFENSE COUNSEL: If the court please, I would like to object to that, on the ground that, in my opinion, the foundation is not yet complete for the admittance of that testimony. It would be necessary for the prosecution to state that those statements were made without promises, compulsion, or threats and that foundation has not been laid.

PROSECUTION: The man said that he was given a chance to read his statements, that any changes he wanted to have made were made, and that he signed and swore to them. What more can anybody be expected to do?

(Discussion between court and counsel off the record.)

PRESIDENT: The objection of the defense now pending before the court is over ruled.

DEFENSE COUNSEL: If the court please, it is my understanding that the offer of these things in evidence should not be made until after the witness has been asked.

PRESIDENT: It is the court's understanding that they are not offered in evidence now.

DEFENSE COUNSEL: They had offered them in evidence and I objected to it and I was overruled.

PROSECUTION: I will withdraw the offer at this time.

PRESIDENT: We were not talking about that, we were talking about a different objection.

DEFENSE COUNSEL: I am sorry.

PROSECUTION: I am now going to ask you some questions which appear on Prosecution Exhibit No. 39.

QUESTIONS BY PROSECUTION (continued)

Q Do you remember being asked this question: "Were any prisoners killed while you were in Harzungen?"

A Yes.

Q Do you remember that question?

A Yes, I remember it.

Q What was your answer?

DEFENSE COUNSEL: If the court please, that is not the proper way to conduct an impeachment interrogation. The proper way is to read him the answer and to say, did you say it or didn't you say it?

PROSECUTION: I am willing to go that far. In answer to that question, did you give the answer: "Yes"?

A Yes.

Q Do you remember how they were killed?

A Yes.

Q Do you remember saying that they were beaten to death by capos?

A Yes.

Q Do youremember the question: "And Fuchsloch, as camp leader, was responsible for all this"?

A As camp leader; yes.

Q Do you remember you answered: "Yes, he was responsible as second camp leader"?

A He was first camp leader and not second camp leader, because the first camp leader was either Frohne or Mathesius.

Q Do you remember your answer to that question was: "Yes, he was responsible as second camp leader"; wasn't that what you said?

A Second camp leader?

Q Is that what you said? Take a look at it, if you want to be sure that is what you said.

PRESIDENT: The court was going to suggest, let the witness look at it; it is in German.

(Prosecution hands paper to witness.) Do you find that answer to that question?

A Yes.

Q Did you say, in answer to that question, "Yes, he was responsible as second camp leader"; is that what you said?

A I cannot say for sure now if I said that,as first or as second camp leader.

Q How does your answer appear in that document?

A Here on this document it says "second camp leader".

Q Do you remember being asked this question: "Was anybody beaten inside the camp?"

A Yes.

Q Do you remember that you answered to that question was "Yes"?

A Yes.

Q Do you remember the next question: "Who was responsible for that"?

A Fuchsloch.

Q No; do you remember the question?

A Yes.

Q Do you remember giving the answer: "Fuchsloch, as camp leader, was responsible."

A Yes.

Q Do you remember being asked this question: "Was anybody killed or executed inside the camp?"

A Yes.

Q Do you remember giving this answer: "Yes, people were killed in the camp by beatings by capos and block eldests."

A Yes.

Q I am skipping considerable dealing with food and other stuff of that kind. Oh, yes; do you remember being asked this question: "Didn't these prisoners have any shoes to wear?"

A Yes.

Q And do you remember your answer: "Some prisoners went to work

barefooted, some prisoners had poor shoes and some prisoners shoes were in a very bad condition." Do you remember that answer?

A Yes.

Q Do you remember the question: "What about the rest of their clothes?" Do you remember that question?

A Yes.

Q Do you remember your answer, as follows: "Their clothing was very poor; people went out in the winter time barefooted without pants, only their under shorts. Some of them were without jackets. Only just a sort of vest. It was a horrible sight and they went to work this way. The food was also very poor and it was hard for a normal person to live on this food." Do you remember that answer?

A Yes.

Q Was that answer the truth?

A Yes.

Q Remember the question: "When they came back from work were any of them dead?" Do you remember that question?

A Yes.

Q Do you remember the answer: "Yes, there were many deaths. I remember a Frenchman who looked as though he had been tortured all day and he committed suicide by throwing himself in front of a railway car." Do you remember that answer?

A Yes.

Q Do you remember the question: "Was Fuchsloch present when somebody was beaten?" Do you remember that question?

A Yes.

Q Do you remember the answer: "When anyone was beaten the camp leader had to be present"?

A Yes. Was I allowed to ask something here?

Q Was that answer the truth?

DEFENSE COUNSEL: Just a minute. If the court please, the witness has a right to explain any inconsistencies in his testimony; that is one of the privileges of the witness in impeachment.

PROSECUTION: Go ahead. What answer do you want to make?

A That statement has to be interpreted that way: If it was an official punishment, then the camp leader had to be present in an official capacity, but if somebody was beaten in camp by a capo or by a block eldest on his own account, then, naturally, the camp leader would not be present.

Q Do you remember the following question: "Was he present when anyone was executed?" Do you remember that question?

A Yes.

Q And the answer: "Yes, he was present at executions, he was definitely present at the hangings I mentioned before." Do you remember that answer?

A Yes.

Q Was that answer the truth?

A Yes.

Q Do you remember the following question: "How do you know the people on these stretchers were dead?" Do you remember that question?

A Yes.

Q And do you remember the answer: "Because they were brought to the dispensary immediately. Schroeder even bragged about having beaten to death prisoners." Do you remember that answer?

A Yes.

Q Do you remember the question: "Did you see prisoners who showed signs of having been beaten around the head or neck?"

A Yes.

Q And do you remember your answer: "I have seen very often that prisoners had been beaten so that they were bleeding in the face or around the neck."

A Yes. Well, I have to ask something here, too.

Q Go ahead.

A I would like to specify this. I have stated here that the prisoners were beaten, that they were bleeding either in the face or in the back of the neck. I did not mean the back of the neck; I meant just around the neck.

Q Do you remember the question: "How does it happen that Schreeder , in Harmungen, could beat people to death?" Do you remember that question?

A Yes.

Q Do you remember the answer: "The capos used to do it on their own responsibility."

A Yes.

Q Do you remember the question--going back a page--

DEFENSE COUNSEL: If the court please, I have been diffident about interrupting this procedure once again, but it is very evident from the questions and answers which have been read this far, that my original contention was correct; namely, that the witness just failed to testify to as severe conditions as the prosecution would have liked to have him do. The reason for that is very obvious; inthe document which was being read the witness was being led, he was being asked leading questions, and he was agreeing with them, and when, on direct examination he was not supplied with the leads, he did not testify to as severe conditions as the prosecution would have liked him to. I respectfully submit that does not make the witness a hostile witness. Almost everything that has been asked of this witness he said this morning and things which were not asked of him, he probably would have said that too. I respectfully submit that this witness is not a hostile witness and should not be impeached.

PRESIDENT: The prosecution may continue.

DEFENSE: If the court please, I would like to call attention of the court to the fact that the effect of this is that, although the prosecution is not effectively impeaching this witness, because he is not showing this witness is actually hostile to him in any way, the court is permitting the prosecution to put in a series of leading questions and answers which are prejudicial to the essential rights of this accused. In fact, what he is doing is permitting a complete testimony of this witness to go in as leading questions. That is the natural effect of this whole procedure and that is the reason the prosecution is doing it. In making an offer of impeachment the prosecution said that he would prove that this witness made completely contradictory answers and reversed his entire position, and I submit to the court that already, from what he has read, he has not proved that fact. The only possible thing this witness has said so far in his statements which he did not say this morning to some extent was that the camp leader was present at official hangings or executions and I respectfully remind the court that this morning this witness testified that he was never present at hangings or executions himself. And when he says the camp leaders, in his statement--he has made a statement this morning that he didn't know exactly who the camp leader was, whether it was Schroeder or Schloegel or Fuchsloch. And he didn't mention Fuschloch in his statement.

PRESIDENT: The prosecution has not, the court understands, completed his questioning of this witness. And after the prosecution has completed that, the court will determine whether or not the testimony of this witness has been impeached or to what degree. The court will give the proper weight to what has been brought out.

PROSECUTION: Likewise, may it please the court, whether the prosecution has been surprised by the testimony of this witness.

THE WITNESS: I would like to add something too.

PROSECUTION: To what?

THE WITNESS: I would also like to add something.

PROSECUTION: Go ahead.

THE WITNESS: It just has been mentioned now that I would have said this morning that I didn't know who the camp leader was, if it was Mathesius, Frohne or Fuchsloch. I know who was camp leader. I said this morning that I did not know if Mathesius or Frohne was camp commandant. You have to make the definite distinction between the camp commandant and camp leader.

QUESTIONS BY THE PROSECUTION:

Q Do you remember being asked a question, "What are the duties of a camp leader?" and remember answering, "To check the camp and take care of the whole camp in case of reports to interrogate prisoners and in case the prisoners did not keep the rules and regulations of the camp to punish them, etc." Do you remember that answer?

A Yes.

Q Do you remember the further question, "What do you mean by 'and so forth'?

A Yes.

Q Do you remember answering, "By 'and so forth' I mean that he would see to it that the prisoners received their punishment and to determine the punishments; to foward reports to higher headquarters and in fact he was responsible for everything that went on in the camp concerning the camp and the prisoners." Do you remember that answer?

A Yes.

Q Do you remember the question, "What was the name of the lieutenant who was the Lager Fuehrer--Commandant?"

A Yes.

Q Do you remember your answer, "Mathesius."?

A Yes.

Q Remember the next question, "How about this fellow who was commander when Mathesius was absent?" Do you remember that question?

A Yes.

Q You answered that, "Fuchsloch"?

A Yes.

Q Remember the question, "This man Fuchsloch must have known all about these beatings did he not?" Do you remember that question?

A Yes.

Q Do you remember your answer, "He knew more about them than the camp commander."?

A Yes.

Q Do you remember the next question, "What makes you say that?"

A Yes.

Q And the answer, "Because he, as the first camp leader, checked the details more often." Do you remember that answer?

A Yes.

DEFENSE COUNSEL: Just a minute. There is a perfect example of why these rules of law are made, to keep out this type of testimony. This man is subjected to an interrogation out of court without any safeguards or without the defense having an opportunity to interpose objections and naturally he testified that he know what was in somebody elses mind--what somebody else knew. That very question was ruled out of court today on the ground that this man could not possibly know what Fuchsloch knew. Now it is permitted to be brought into the court by the back door simply by the prosecution declaring the witness to be hostile because he was not permitted to say in court something which he said out of court.

That is a perfect example of what I believe is being violated by permitting this testimony to come in at this time.

PROSECUTION: May I comment briefly?

This, on the other hand, is a perfect example of what the prosecution has in mind. This morning he made the flat direct statement that the camp administration knew nothing about the beatings that took place amongst the prisoners of this camp. He said so flatly. That is one of the things in which we were very definitely surprised. I have a right to cross examine with respect to these beatings administered not on order. He said, of course, that the camp administration could know nothing about them. I may be mistaken but my memory is clear that that is exactly what he said.

DEFENSE COUNSEL: As I recall I objected to it. There was an objection made to that question on the ground that the witness was not in a position to know what other people knew or had in their minds and it was sustained, very properly, but, of course, when he is questioned outside of court he said, "Sure.", he knew everything about it. We don't have the check or control of the questions that are put to him. They can ask him any kind of a leading question.

I should like to state that for impeachment purposes the witness should be asked only questions which are in direct contradiction to what he said this morning and I submit he is being asked all kinds of questions and all kinds of statements that were made outside of court that are in no way in contradiction. It is simply evidence or an attempt to get evidence in through the back door because he couldn't get this witness to testify as he wanted him to through the front door.

PROSECUTION: I would like simply to say it is impossible to pick out a question to meet a specific statement. The statements were so broad and general in their nature that if the court was to take them at their face value this man here would have to be paid for the time he is spending in the dock instead of being tried for his life. He was a great humanitarian. He knew

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nothing. He gave them food, extra food. He built a bakery for them and all that sort of business. I have got a right to give this man's answers to questions which met the situation as painted by this witness.

I would like permission to continue.

DEFENSE COUNSEL: I would like to read for the court another section of this book which my worthy opponent from the prosecution never heard of in Law School.

PROSECUTION: I didn't say that. I referred to South Carolina. I know Wharton.

DEFENSE COUNSEL: Section 1393 refers to testimony that may be impeached

> "The impeachment of one's own witness under the exception previously referred to is limited to those cases where the testimony of such witness is in direct contradiction to his prior statements. Moreover the testimony must be actually prejudicial, not favorable, to the party calling the witness. The witness cannot be impeached if his testimony is not prejudicial, but consists only of a denial of the existence of a fact which it was undertaken to prove by him, or a refusal or failure to testify to it, or if the failure to give the desired testimony results from a mere reluctance to give testimony, forgetfulness of the facts, or ignorance of the matters about which he is expected to testify. Furthermore, the impeachment should be confined to a contradiction of material testimony which is injurious to the party calling the witness, and the witness cannot be impeached unless he gives testimony relating to a material matter."

If it please the court I submit that is exactly the case we have here. This witness just was reluctant to give testimony to the extent to which he had been lead to testify outside of court by deliberate leading questions. Now the prosecution comes and claims that he is hostile and wants to get in all these extra judicial statements into the court by the back door.

I respectfully submit to the court that this procedure should be put a stop to. It is highly prejudicial to the accused and in my estimation would be grounds for reversal on review.

PRESIDENT: The Manual under which War Crimes Courts operate in Section 340 states, "All documents and other written instruments which in the opinion of the court have a bearing on the issues before it and have probative value are admissible in evidence." Then it includes this considerable list of things that are admissable.

The entire document which the prosecution is quoting from could be submitted in evidence and placed before this court. That being the case, if all of it could come in abstracts from it certainly would be permitted.

It is the ruling of the court that the prosecution may continue.

DEFENSE COUNSEL: I respectfully submit to the decision of the court in that regard but I would like to point out that this ruling of this trial guide is subject to interpretation. It is my understanding that it refers to documentary evidence where the witness himself is not available and here we are having the testimony of the witness put in twice in effect.

PRESIDENT: No, the court does not see it that way and the prosecution will continue.

QUESTIONS BY THE PROSECUTION:

Q Remember the question, "So Fuchsloch must have seen the people while they were suffering from beatings?"

A Yes.

Q And your answer, "Yes, he must have seen them."

A Yes.

Q Remember the question, "It is also certain he must have seen the people who were beaten to death?" Remember that question?

A Yes.

Q And the answer, "That Fuchsloch must have seen. He was always standing at the gate when the details came back from work and he counted them and at the end there were always those who were dead or beaten to death." Do you remember that answer?

A Yes.

Q Remember the question, "Now these bodies which were beaten when they were brought back to the camp, were they covered up so their condition could not be seen?"

A Yes.

Q And the answer, "No." "Maybe they had their jacket over their head so that the town people couldn't see how their heads or faces were beaten in. It was usually done to keep people in the village from seeing them." Do you remember that answer?

A No. My answer says perhaps they had their jacket over their heads. I mean to say that 'perhaps' could have been left out. They did have their jacket over their head.

Q Now remember the question, "What can you tell us about the food which the prisoners received so far as quantity and quality was concerned?" Remember that question?

PRESIDENT: The court will recess for 15 minutes.

(Whereupon the court recessed at 1450 hours.)

(Whereupon the court reconvened at 1505 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all the members of the court are present; the prosecution and defense are represented by counsel; all of the accused are present; the reporter and interpreter are present.

At the end of the last session the witness was under redirect examination.

PRESIDENT: The witness is reminded that he is still under oath.

HEINZ MUELLER, called as a witness by the prosecution, being duly reminded that he was still under oath, resumed the stand and testified through an interpreter as follows:

REDIRECT EXAMINATION, continued

QUESTIONS BY THE PROSECUTION:

Q Now do you remember being asked the question, "What can you tell us about the food which the prisoners received as far as quantity and quality was concerned?" Remember that question?

Remember your answer, "From August 1944 to January, 1945 one loaf of bread for four prisoners."

A Yes.

Q Question, "A little while ago you mentioned the condition of the food from August 1944 until January, 1945. What kind of food did they receive the balance of the time when the camp was evacuated in April 1945?" Do you remember that question?

Remember your answer, "During that time we got one bread for seven or eight men.

A Yes, I have it.

Q And then another question, "In other words from the beginning of 1945 until the end the prisoners got less food than they had before then?" Remember that question?

A Yes.

Q Do you remember that your answer to that question was, "Yes."?

A Yes.

Q Now those answers that you gave to the question were the truth, the whole truth and nothing but the truth, were they not?

A It was only the truth.

PROSECUTION: May it please the court, the prosecution now asks that Prosecutions Exhibit P-39 which has been marked previously for identification now be received into evidence and that the English translation of it be also received into evidence and marked Prosecutions Exhibit P-39-A.

That might mess up the record a little. The prosecution requests permission to withdraw prosecutions exhibit P-38 for identification and to offer instead as Prosecutions Exhibit P-38 what had previously been marked Prosecutions Exhibit P-39 for identification and the English translation would then be P-38-A.

(The document formerly marked Prosecutions Exhibit P-39 was altered to read Prosecutions Exhibit P-38 and the English translation was marked P-38-A)

PRESIDENT: Prosecutions exhibits P-38 and P-38-A will be admitted into the record for such probative value as the court may see fit to give them.

(Prosecutions Exhibits P-38 and P-38-A for identification were received in evidence and marked Prosecutions Exhibits P-38 and P-38-A are attached hereto and made a part of the record.)

PROSECUTION: The prosecution requests that it be excused from reading Prosecutions Exhibit P38 irto therecord in its entirety.

PRESIDENT: That permission will be given.

PROSECUTION: The prosecution has nothing further.

PRESIDENT: Off the record.

(Off the record discussion.)

DEFENSE COUNSEL: The defense would like to state that they waive the reading of those portions of Prosecution's Exhibit P-38 which have not been read into the record by the prosecution -- waive the German reading.

PRESIDENT: Very well. Dr. Trimolt, you may proceed.

RECROSS EXAMINATION

QUESTIONS BY DR. TRIMOLT:

Q Among the other things in your statement which has just been read to this court you stated that the camp commandant had to be present when official beatings were given. Wasn't it so that the camp commandant was sitting in Dora and that he was responsible for all the outcamps?

A I didn't understand the last sentence of the defense attorney.

PROSECUTION: I object to the question anyway. That is assuming that he knew.

DR. TRIMOLT: In the statement which was just read the witness made statements which he knew and which did not deal with facts. It is my duty in cross examination to question anything that was stated in the statement.

PROSECUTION: He was talking about the commandant at Harzungen, not Dora.

DR. TRIMOLT: However, in the statement the witness drew so many conclusions that I must ask questions concerning these conclusions to find out what he knows of his own knowledge.

PRESIDENT: The objection of the prosecution is overruled. The witness may answer the question, if he knows of his own knowledge.

(Whereupon the question was repeated to the witness by the interpreter.)

A No, at Harzungen at that time the camp commandant was either Mathesius or Frohne.

Q Is it not possible that you are mistaken and that you mean by Mathesius or Frohne that they were the camp leaders and not the camp commandant?

A Then the conditions in Harzungen must have been different than those that existed at Dora and Buchenwald, because at Dora and Buchenwald the higher SS officers were the camp commandants. For instance, in Dora and Buchenwald there were SS Captains and SS Majors, whereas in Harzungen the rank was a Captain -- SS Captain.

PROSECUTION: I ask that that be stricken as not responsive to the question.

PRESIDENT: The request of the prosecution is denied.

Q But it is a fact that Harzungen was not an independent camp, which was not true of Dora or Buchenwald, and that Harzungen was subordinate to Dora or rather, respectively, Buchenwald?

A If this would be the case -- but then, if a punishment -- if a sentence was issued in Dora, then the sentence was also executed in Dora; if a sentence was issued at Harzungen, then the sentence was also executed in Harzungen.

Q Do you know, of your own knowledge, if the sentences -- if the convictions came directly from the camp administration in Harzungen or whether they originated in Dora?

A If minor offenses were concerned, then the punishments were handed out in Harzungen and then the punishment was also executed in Harzungen. If it concerned a major offense, for instance, like sabotage, then the sentence was handed out in Dora.

Q If I understand you correctly then, then part of the punishments were decreed in Dora and executed in Harzungen on orders of Dora, is that correct?

A No, you misunderstood me. If it concerned a minor offense, a smaller offense -- for instance, if a beating was to take place -- then this beating was decreed in Harzungen and was executed in Harzungen; but if it concerned a major offense, then the prisoner was transferred to Dora, the sentence was handed out in Dora, and executed in Dora.

(MUELLER-Recross)

Q Well, if that is the case, that major offenses were decided in Dora and that the punishments took place in Dora, then it was practically impossible that executions or hangings could take place in Harzungen, is that correct?

A No executions or hangings took place in Harzungen. The two persons who were hanged in Harzungen were not hanged in Harzungen themselves but were hanged at the construction site and they were hanged on orders of the Gestapo leader Sanders. I would like to add something further to this. These two prisoners which were hanged at the construction site -- that doesn't mean that these were from Camp Dora or from another camp; they originally were from Harzungen.

Q But the sentence itself was decreed in Dora and was executed outside of Camp Harzungen, so that the camp administration of Harzungen had nothing whatsoever to do with it, is that correct?

A About this incident I know the following: These two were arrested by the Gestapo leader Sanders at the construction site for alleged sabotage and shortly thereafter the order came to Harzungen that these two were to be hanged immediately.

Q But, at any rate, Fuchsloch does not carry any responsibility whatsoever for the hanging?

A This I can not judge.

Q Isn't it a fact that, on basis of your position in Harzungen, you can not judge the nature of the details in any way whatsoever?

PROSECUTION: I pray the court's judgment on the generality and possibility of answering that question. What details can he be talking about?

PRESIDENT: That question, Dr. Trimolt, could be made a lot more definite. It is vague and general and difficult to answer in its present form.

Q You have testified that Fuchsloch would have to know about

every beating which took place in Camp Harzungen. Isn't it so that this statement is a conclusion on your part and that you don't know definitely if Fuchsloch had ever an idea about the beatings which took place?

A To the details and the outside details Fuchsloch came as the camp leader for the purpose of inspection and at this construction site he, as well as every other prisoner, had to see that mistreatments were taking place.

Q Did you personally see that when Fuchsloch went to inspect these outside details that he stood by when one of the prisoners was being beaten or didn't you see that?

A To my detail, as far as I can remember, Fuchsloch only came once or twice for an inspection, because my detail was approximately 15 kilometers away, but to the other details Fuchsloch went -- if he didn't go to every detail, but to most of the details at least once every day.

Q During the time during these one or two times that Fuchsloch came to your detail to inspect it -- during this period of time was a prisoner being beaten?

A No.

Q And you don't know, of your own knowledge, that during the time that Fuchsloch was inspecting the details that any prisoners were being beaten there?

A Fuchsloch, if he went to one of these details, didn't notify an hour or two ahead of time that he was coming but, rather, he appeared suddenly.

Q How do you know that Fuchsloch inspected the other details when you personally were busy at your detail?

A This was on the average always talked about in the evening -- "Fuchsloch was here today," "Frohne was here today," or "The work alloca-

tion leader was here today," or "he" or "he" or "he" "was here today."

Q But you don't know -- this question you have not answered as yet -- if just as he happened to be there a prisoner was being beaten?

A No, that I don't know.

Q Were you personally present at the hanging of these two prisoners?

A No.

Q Therefore, you can not state, of your own knowledge, that Fuchsloch was present at this hanging?

A In the evening when I came back from work I wanted to go to Fuchsloch and I was told that Fuchsloch had been ordered to the hanging of two prisoners who had -- who were being executed because they had taken leather from a conveyor belt to make shoe soles.

Q But, of your own knowledge, you do not know if he was present at this hanging. You only know that he was ordered there.

A Yes.

Q You stated before in the testimony that was read here that, among other duties, it was the duty of Fuchsloch to pass on reports to superiors. Isn't it a fact that just in that incident concerning these two women about whom you were speaking this morning that Fuchsloch did not make a report about this?

A It was not the duty of Fuchsloch to pass on this report to Dora. It was the duty of Fuchsloch to make a report to this Captain who was the camp commandant.

Q Whom do you mean? -- "to his superiors" -- when you state that in your answer?

A The one that was the superior of Fuchsloch.

Q Isn't it a fact that reports about offenses or about crimes committed by the prisoners were to be made through the roll call leader?

A I have to return to this incident that I mentioned this morning of these two women. This report first went to Fuchsloch, and Fuchsloch passed it on to Frohne, but when the report reached Frohne, Fuchsloch and I were present there.

Q Isn't it a fact that this report about this incident for which at that time you were not punished was continued by this guard and that Fuchsloch was instrumental in seeing to it that it did not pass on?

PROSECUTION: May it please the court, I think, with all due respect to the two women, they have been belabored enough in this case and that the examination involving that point has certainly proven everything they could hope to prove. We will admit he wasn't punished for messing around with those two women.

DR. TRIBOLT: It is not a question of the two women. The question -- the point of question here is that a guard tried to see to it that this witness was punished and that due to Fuchsloch's efforts he was not punished. This is a point that was not brought out this morning.

PRESIDENT: The court suggests that you ask the witness directly whether or not the accused Fuchsloch intervened in this affair to save the witness from being punished.

Q Did Fuchsloch intervene for you later on when the guard tried to have you punished, so that you were not punished?

A After the second report of the guard, Fuchsloch came to me and said, "I will see to it that this report does not go to Dora."

Q Isn't it a fact that due to this you were assigned again as capo to the detail Metzkater?

PROSECUTION: I pray the court's judgment.

PRESIDENT: I don't believe the court understands the question.

DR. TRIMOLT: The witness has stated that due to this incident he was relieved as capo in the fall and that after a short period of time he was again assigned as capo. I am just asking him this question.

PROSECUTION: I object to it, it is completely immaterial.

DR. TRIMOLT: The testimony in my opinion is very important because after this incident with the two women he was again assigned to a superior position in regard to prisoners, and he was assigned to his old position again.

PRESIDENT: Is that your question?

DR. TRIMOLT: No, this is the answer to your question, Sir.

PRESIDENT: Is that what you are trying to find out from the witness?

DR. TRIMOLT: Yes, Sir.

PRESIDENT: Then ask it directly.

QUESTIONS BY DR. TRIMOLT:

Q Isn't it a fact that you were--even though you were relieved as capo that after a short period you were again assigned as capo in spite of this incident?

A Yes. One day I was called to the work service leader and told that I should take over the detail of Netzkater. I don't know if this was due to the intervention of Fuchsloch or whether this came directly from the work service leader.

Q But it is a fact that if Fuchsloch hadn't brought the matter in order that you would definitely not have been reassigned as capo to the detail Netzkater?

PROSECUTION: I object.

PRESIDENT: The objection is sustained.

QUESTIONS BY DR. TRIMOLT:

Q Do you know what would have happened to you if this report would have passed on to Dora?

PROSECUTION: I object.

PRESIDENT: The objection is sustained.

QUESTIONS BY DR. TRIMOLT:

Q Do you know what the usual punishment was for such violations?

PROSECUTION: I pray the court's judgment. I don't even know yet what the violation was. All he did was he had a little trist in the grass in the countryside. What took place there I don't know.

DR. TRIMOLT: I refer to the fact that, contrary to the regulations of the camp he violated the regulations of the camp by being outside the camp with these two women.

PROSECUTION: I object. There is no evidence, in the camp regulations, that says that he couldn't go off on his own.

PRESIDENT: The objection is sustained.

QUESTIONS BY DR. TRIMOLT:

Q Isn't it a fact that if you had any kind of a request that you always went to Fuchsloch and that Fuchsloch always helped you in this connection?

PROSECUTION: I pray the court's judgment, unless there is some indication of the nature of the request. How do I know, he might have requested permission to go out there again.

PRESIDENT: The objection is sustained.

QUESTIONS BY DR. TRIMOLT:

Q Isn't it a fact that Fuchsloch at your request procured shoes for the detail Netzkater?

A Yes.

Q Is it known to you that either verbally or in writing it was published in Harzungen that Fuchsloch was the camp leader or the deputy camp leader?

A When I came to camp Harzungen it was said that Fuchsloch was the camp leader.

Q In Camp Harzungen did a special body-carrying detail exist?

A A regular body-carrying transport did not exist. The bodies were carried out of the dispensary to the rear of the dispensary approximately 20 to 25 steps, and there they were loaded on an automobile and taken to Dora.

Q Can you state of your own knowledge that Camp Harzungen was better than all the other camps in which you were?

A I must say that under the air corps which existed which was there more than 98 percent, it was better than the others--all the other camps such as Buchenwald and Dora, which were under the administration of the SS.

Q Isn't it known to you that Fuchsloch had no authority to sign anything in this camp?

PROSECUTION: I pray the court's judgment.

DR. TRIMOLT: This question is important in connection with the question of whether Fuchsloch was the camp leader.

PRESIDENT: Do you mean by that, official documents?

DR. TRIMOLT: All those official documents and so on.

PRESIDENT: With that understanding, the witness may answer the question if he knows of his own knowledge.

THE WITNESS: I wasn't that informed in the camp to know who had the authority in the camp to sign and who did not have the authority to sign.

QUESTIONS BY DR. TRIMOLT:

Q Isn't it a fact that one day Fuchsloch searched your quarters and found a civilian suit and that he didn't make any report about this?

PROSECUTION: I pray the court's judgment. Are we trying to prove this accused not guilty of the offenses charged by showing that he allowed a little dallying or did things of that kind?

PRESIDENT: The objection is overruled, the witness may answer the question.

THE WITNESS: On the 17th of December 1944, on the day on which I was relieved the following day there was an examination of the rooms made of the room on the construction site. I believe Fuchsloch, the labor service leader, and Frohne were present. And on this occasion among other things a civilian suit was found among my things. This was forbidden, but after this search had taken place I never heard anything more about it.

QUESTIONS BY DR. TRIBOLT:

Q Isn't it a fact that at least one officer was always present in Camp Harzungen?

A I was not so well informed about the camp conditions so that as officers I only knew the camp doctor and the camp commandant, Frohne, or Matheius.

PRESIDENT: The court will recess for 15 minutes.

(Whereupon the court recessed at 1600 hours.)

* * * *

(Whereupon the court reconvened at 1615 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all the members of the court are present; the prosecution and the defense are represented by counsel; all of the accused are present; the reporter and interpreter are present. At the end of the last session the witness, Mueller, was under cross examination.

PRESIDENT: The witness is reminded he is still under oath.

HEINZ MUELLER, called as a witness by the prosecution, resumed the stand, and being reminded that he was still under oath, testified further through an interpreter as follows:

DR. TRIBOLT: I have no further questions.

DEFENSE COUNSEL: If it please the court, I would like to put a few questions to the witness, if you don't mind.

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q When you said in the statement that was read by the prosecution that you considered, or rather that the camp leader was responsible for the beatings which went on outside the camp or inside the camp, it is a fact, is it not that that was your own opinion based upon the fact that the camp leader had an official position in the camp?

A No. The camp leader had to see to it, the order and the peace and quiet of the camp.

Q Well, you don't mean by that, by your answer that he was personally responsible for these beatings, do you?

A No, once this happened in the block—no.

Q Now, until very recently you were a prisoner yourself in Camp Dachau, is that correct?

A Yes.

DEFENSE COUNSEL: If it please the court, I would like to make a request at this time that this witness be informed that he is under the protection of this court and that he may answer these questions truthfully to the best of his knowledge without fear of retribution of any kind.

PROSECUTION: I don't see how the court can make any such undertaking.

DEFENSE COUNSEL: I believe that it is within the province of the court to protect a witness with the understanding that if he tells the truth he may do so freely and that no compulsion or no threats or no reprisals will be brought upon him for telling the truth.

PRESIDENT: At the time the witness appeared before this court he was sworn to tell the pure truth. As long as he continues that before this court he need have no fear of consequences from the court or anybody connected officially in this court with this trial.

PROSECUTION: I don't know exactly what that statement means, I mean the statement by the court--I don't know exactly what it means. If it means that he can't be punished for telling the truth and that neither side or anyone else can exact retribution from him for telling the truth, of course, that statement stands, and I can understand it, but if it goes beyond that and promises immunity for something he might say--

PRESIDENT: Well, the court said what it meant and meant what it said. Will you read it again?

PROSECUTION: Besides, I don't know whether I ought to resent the fact the statement was made. During the past history of this case on a number of occasions insinuations of a very broad nature were made by the defense which I passed up because I am not particularly thin-skinned, and I don't care, but this, I think, is going a little bit far. What is the reason for making such a request now at this time. Nobody has threatened the man to my knowledge, and as far as I am concerned, if I have felt convinced that he committed perjury in this court, I am going to--well I had better keep quiet because I don't want to make any threats of any kind.

PRESIDENT: The defense will proceed.

QUESTIONS BY DEFENSE COUNSEL:

Q Now, is it not a fact that prior to making the statements upon which the prosecution questioned you today and in which you testified to conditions more serious than those which you were willing to testify to in open court--I say to you, is it not a fact that the reason you made those statements was because you were released through the intervention of the prosecution in order--or because you were to make statements detrimental to the accused, Fuchsloch?

PROSECUTION: I object, and furthermore, I am going to call upon somebody to prove something, too, that if this sort of business is going to continue that is definitely a personal reflection upon myself and the personnel of my staff.

DEFENSE COUNSEL: If the court please, it is not my intention to make any insinuations of any kind, I am asking this witness a direct question to bring this out. He can answer the truth, and that is all that I am trying to get before this court, and I don't see why the prosecution should object to hearing what this witness has to say if they have no guilty conscience on this question. They should be willing to have this answer as I am willing to have it, and I think the court is entitled to hear it.

PROSECUTION: I would like to say that I have no fear and neither has any member of my staff any fear, but it strikes me as rather a strange thing that officers of the American Army practicing before an American court should be compelled to take the stand to protect themselves on a fishing expedition with nothing whatsoever behind the question except the fishing expedition. The character of this man is too obvious to the court and the court's experience with him. I am afraid of no one.

PRESIDENT: I think this has gone just about far enough on both sides. The witness will answer the question. I think it would be well for the reporter to read the question first.

(Whereupon the reporter read the last question.)

PRESIDENT: That is a long, complicated, difficult question.

DEFENSE COUNSEL: I will withdraw the question and reframe it.

PRESIDENT: I am commenting as to the form of the question. I don't see how anybody can understand it.

DEFENSE COUNSEL: I will withdraw the question and reframe it.

QUESTIONS BY DEFENSE COUNSEL, (continued)

Q Do you know, of your own knowledge, whether you were released as a prisoner in camp Dachau through the intervention of the prosecution in this case?

A No. After I was released here I was told by the Ministry of Weisbaden that there were many witnesses for my defense, for the deNazification for which I was arrested, and that these witnesses came and testified for my defense.

Q Did you make the statements which were read in court today under any threats or any promises on the part of anyone?

A No.

Q DEFENSE COUNSEL: No further questions.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION

Q You testified, Herr Mueller, with respect to the hangings that the order came down from Dora that these two particular people were to be hung. The order came from Dora to the administration in Harzungen. That is correct, is it not?

A No, I had said that this order for the hanging came from the gestapo leader Sander.

Q And to whom did it come?

A I can't give any answer to this, because we were not told this in such detail.

Q But at any rate Sander gave the order and the order was carried out by personnel from Harzungen, or by officials from Harzungen. And that is true, is it not?

A That I don't know as well, because this order was executed directly at the place of work.

Q Now you said before that you went to Fuchaloch and asked for

shoes for your detail and that you got the shoes.

A Yes.

Q Did you get shoes for all the members of your detail?

A All those that were working, that were active in the detail.

Q How about the members of other commandos, did they also get shoes?

A No. The other details, in regard to shoes--my detail was a privileged detail because we were working in the stone quarry and they had to walk around on small stones. In regard to the other details, I saw how people in the middle of the winter were running around barefoot.

Q These people that you saw running around barefooted in winter, did they also work outside the camp?

A Yes.

Q What kind of work did they do?

A There were various details. The sanitation detail, the detail for the tunnel, the detail for the railroad tracks. Various details. All kinds of details.

Q Now this detail that worked on the railroad tracks, they did not have shoes, did they? Or very poor shoes.

A The majority of the prisoners, say 98%, had the so-called wooden shoes.

Q I am talking about people who had no shoes at all. Were some of these people who worked on the railroad tracks without shoes at all?

A That I cannot say, because when the people marched out I couldn't state if they belonged to this detail or that detail, or which detail.

Q I now show you Prosecution Exhibit 38, page 8. You said in cross examination that Harzungen, because of the Wehrmacht personnel, was a much better camp than any camp you had ever been in. Much better than Dora Buchenwald. Do you remember saying that?

A Yes.

Q I call your attention to Prosecution Exhibit 38, and ask you if you remember this question and the answer you gave. Question: "Isn't it the truth that the lack of food and proper clothing and unbearably hard work with the beatings and the killings, Harzungen was a "hell" of a place for prisoners." Do you remember that question?

A Yes.

Q And do you remember the answer: "As far as clothing was concerned, Harzungen was one of the poorest camps I got to know."

A Yes.

Q And the next question: "Tell me why you thought so." and the answer: "Because I have never seen any other camp, for example Buchenwald and Dora, where people had so few shoes and so little clothing, for example, jackets and pants. I have seen people in the middle of winter go to work without shoes or jackets or even foot rags." Do you remember giving that answer?

A Yes.

Q Now this quarry at Netzkater, that was an open quarry, was it not?

A Yes.

Q And the work there was extremely difficult?

A Yes.

Q Would it be a favor for prisoners to be sent there to work, or would it be a punishment detail?

A From Dora it was--this detail was a punishment detail. After I had had this detail approximately three to four weeks, the accused Simon came to me on various occasions and said"this detail is not a punishment detail any more, it is a convalescent home".

PROSECUTION: I have nothing further.

RECROSS EXAMINATION

QUESTIONS BY DR. AHEIMER (on behalf of the accused Simon)

Q When was it that the accused Simon came to you and said that this was not a punishment detail any longer, but a convalescent home?

A This was in the period between the 8th and 12th of June. I came to Harzungen from Dora and I was there until the first of August.

Q What do you understand under "an open stone quarry"?

A A stone quarry which is not subterranean or which is not covered in any way. A stone quarry which is out in the open.

Q This stone quarry was not worked by hand, but,for the most part was worked by machines; is that correct?

A Forty per cent of the work machines were used; the remaining 60% was hand work.

DR. AHEIMER: That is all.

PROSECUTION: Any questions by any member of the court?

EXAMINATION BY THE COURT

QUESTIONS BY COL. BURCH

Q Are you related, by blood or marriage, to the accused Fuchsloch?

A No. I did not know Fuchsloch prior to that but I got to know him in the camp.

COL. BURCH: That is all.

PRESIDENT: There are no further questions by the court.

PROSECUTION: May I ask that this witness be excused permanently?

PRESIDENT: Does the defense object?

DEFENSE COUNSEL: I have no objection. Dr. Aheimer, apparently, has some questions he would like to put to him, so may we have him excused just temporarily? We will report in the morning.

PRESIDENT: The witness may be excused for the time being. The court will recess until nine o'clock tomorrow morning.

(Whereupon the court recessed at 1650 hours, 23 September 1947.)

[redacted] GOVERNMENT COURT

CASE RECORD

VOLUME 31
Pages 2048 - 3007

CASE NO. 000-50-37

PROSECUTOR Lt. Col. W. Berman

DEFENSE COUNSEL Major L. Poullada

[redacted]
GENERAL

INTERPRETERS Nelly Singer
Roland Carroll

PLACE Camp Dachau, Germany

REPORTERS Yolanda Keller
George Converse
Gloria M. Spears
Mabel D. Holt
Peter L. DiCurti
Eunice L. Hasdorff

DATE 24 September 1947

WITNESSES

KARL ROSTH

HENRY HAUBERT

ACCUSED

ADDRESS SEX AGE

	FIRST CHARGE	SECOND CHARGE
PLEAS		
FINDINGS		
PREVIOUS CONVICTIONS		

IMPRISONMENT
SENTENCE
FINE

(TERM
(BEGINNING 194
AMOUNT
TO BE PAID BEFORE 194
FURTHER TERM OF IMPRISONMENT

CHARGE SHEET AND RECORD OF TESTIMONY ARE ANNEXED HERETO.

SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY

SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

RECORD OF TESTIMONY

in trial of

THE UNITED STATES versus ARTHUR KURT ANDRAE, et al

by

GENERAL MILITARY GOVERNMENT COURT

tried at

CAMP DACHAU, GERMANY Beginning 7 August 1947

24 September 1947 Pages 2048 - 3007, Incl.

TESTIMONY

WITNESSES:	Direct	Cross	Redirect	Recross	Court
KARL ROSTH	2048	2058	2064	2065	
HENRY GAUBERT	2066				

Camp Dachau, Germany

24 September, 1947

MORNING SESSION

(Thereupon the court reconvened at 0900 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all the members of the court are present; prosecution and defense are present and represented by counsel; all of the accused are present; the reporter and the interpreter are present.

There is a new witness to be called. Karl Roeth.

At the end of the last session, may it please the court, there was a question about the witness Mueller as to whether he was to be permanently excused or not. I understand this morning that they want to talk to him.

DEFENSE COUNSEL: We will announce it later in the day as soon as we have had a chance to talk to him.

KARL ROETH, called as a witness by the prosecution, being first duly sworn, took the stand and testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION:

Q What is your full name?

A Karl Roeth.

Q Where do you live?

A Buehl in Baden.

Q What is your nationality?

A German.

Q Your age?

A 46 years.

Q Your civilian occupation?

A Engineer factory manager.

Q During the years 1943, 1944 and 1945 where were you employed?

A At the Mittelwerke, Niedersachswerfen.

Q Was that in the vicinity of Dora?

A That is the Work Dora. Dora was the prison camp. Mittelwerke was the factory. The prison camp Dora worked for the factory Mittelwerke.

Q When did you come there as an employee of Mittelwerke?

A In October, 1943.

Q How long did you stay there?

A Until the end, until April, 1945.

Q What were your duties there?

A I was the section chief of the control for the merchandise receiving department.

Q Taking you down to around April of 1944 and from that time on, who were the directors in charge of Mittelwerke?

A The Director General's name was Rickhey. Then there was a technical director Sawatski and Rudolph.

Q What was Rudolph's job?

A That I can't say exactly.

Q What other directors did they have?

A The names of the other directors I have forgotten. I also do not know if they were directors of the mittelwerke or whether they belonged to the other factory, the one that was working on the V-I.

Q Did your work bring you in touch with the prisoners in various ways?

A Yes. I had been assigned approximately 60 to 70 prisoners to work for me.

Q Did your work bring you in touch with various of the SS people from Dora?

A The SS controlled or supervised the working manner of the prisoners and perhaps also of the civilians.

Q My question was, "Did you meet some of the people?" You can answer that yes or no.

A Yes. The SS came to me to my room where we were working and made their control there. That is how I met them.

Q Will you look around this room and see if there are people here whom you met while you were employed by Mittelwerke? Will you please get up and go right near anybody you recognize and point him out to the court?

A I know here the Director General Rickhey, number 14. I know Mr. Simon, number 16.

Q Anyone else?

A It is possible that I know one or the other persons here but the uniform makes a difference in the person.

Q If you are not sure guess at them and if you are too doubtful about it pass them by.

A It is possible that I have seen this man in the work as well. He seems very familiar to me but I don't know him. (Indicating)

This man also looks familiar to me. It is possible because I have seen him somewhere in the work. He could have been with the SS.

Q All right pass on please. If that is all please take your seat.

PROSECUTION: Let the record show the witness has identified the accused Rickhey wearing placard number 14 and the accused Simon wearing placard number 16.

Q Do you remember when you first saw Rickhey?

A I saw Rickhey perhaps two or three times in the factory itself.

Q My question was--and please listen to the question--when did you first see him?

A I cannot state the time exactly anymore. It was in the summer of 1944.

Q When you first saw him where was his office?

A Where Director Rickhey had his office is unknown to me. I only know that he had conferences in a barracks at the North end entrance of Tunnel A.

Q About how far from the entrance was this place where he had these conferences?

A That could have been about 50 to 80 meters.

Q Did you ever attend any of the se conferences?

A No.

Q Do you know who attended them?

A Yes.

Q Who?

A A section chief by the name of Scherer.

Q Instead of individual names what groups of people attended these conferences?

A As far as I could gather from the conversation of the Mr. Scherer the directors and the main section chiefs were present at these conferences.

Q Anybody else?

A I don't know.

Q Now did you have anything to do with the payment of money to the prisoners for their work?

A The prisoners were not paid but now and then they received premium money.

Q How much?

A That was approximately 80 to 100 marks for my people. Those were 60 to 70 prisoners.

Q On the average what did the individual prisoner who worked in your section receive monthly as this premium money?

A The word premium money says that it was not evenly divided. The best workers were to receive more.

Q How much did the best workers get a month?

A The best workers perhaps received four to five marks monthly, but only three to four times.

Q Three or four times during that period?

A During the entire time, the entire time.

Q Well what did the worse ones get?

A The worse ones were not to receive anything.

Q Did they or did they not?

A That was the duty of the distributing civilians.

Q Do you know how much they got?

A I have already said that it was somewhere between 80 to 100 to 120 marks which they received three or four times.

Q I want to ask you once more to listen to the question so we can get through. Now these 60 to 70 to 80 men who worked for you, do you know or do you not know how much money they got?

A I cannot state the exact figure. I estimate the total sum of 500 marks.

Q I am going to start over with you, and listen to my questions please. You said that the best workers, three or four times during the entire period, received about four marks on each payment. Now I ask you, what did the worse ones get--how much individually, or didn't they get anything at all?

A I then distributed the money in such a fashion that everybody received some money once.

Q All right now. How much did the poor ones get on that occasion?

A On the average one mark.

Q Was this premium money paid every month? Now that is a question you can answer yes or no.

A No, they were not paid out every month.

Q All right now. During the entire time you were there from September--I think you said 1944 until April 1945--how many times was this premium money paid? How many months was this premium money paid to the prisoners working in your section?

A Once a month.

Q How many months were they paid?

A I only received this premium money four times, perhaps five times, but I believe it was only four times.

Q What was the maximum amount that you received any month out of these four or five months?

A If I remember correctly that was a maximum sum of 120 marks.

Q Among how many men was that 120 marks divided?

A Among 60 to 70 prisoners.

Q Do you know what the men could do with the premium money?

A They could buy food in the canteen.

Q Who decided how much premium money your section should receive?

A This premium money was allotted to us by the prisoners allocation or committment as this section was called in the work itself. It was a civilian by the name of Raschdorf.

Q For whom did Raschdorf work?

A Raschdorf, as far as I know worked with the SS, with Simon.

Q Who decided which of the prisoners were lazy and so not entitled to any money at all?

A The civilian employees decided that.

Q Now was anything paid anybody for the labor itself, any individual or any organization?

A The prisoners received no money whatsoever outside of this premium money. As far as is known to me the work capacity was paid for by the factory to the SS.

Q Whom do you mean when you say factory?

A The production of V-II in the Mittelwerke.

Q How much did Mittelwerke pay the SS for this prison labor, if you know?

A That I can't say.

Q Have you any idea of the amount?

A No.

Q Do you know whether it was less than what Mittelwerke paid for ordinary German civilian labor?

DEFENSE COUNSEL: If the court please, the witness has testified he does not know how much they were paid. How can he say whether they got less or more than somebody else?

PROSECUTION: He might be able to know the difference between---

PRESIDENT: The objection is overruled.

THE WITNESS: No, I cannot give any answer to this.

QUESTIONS BY THE PROSECUTION:

Q How would Mittelwerke know how much money to pay to the SS?

A We had to report our strength, that is the strength of the prisoners who were working, to the main section. Those reports were assembled at the SS in Dora and Dora then handed these figures to the administration of the Mittelwerke for payment.

Q Have you seen any of the reports that were made which show the number of people who were working--the number of prisoners who were working?

A The entire figure no. Only the reports that we made of our small section, of our control section.

Q What would that report show?

A This report showed the daily amount of prisoners who could be assigned to work. It also showed how many new arrivals there were.

Q New arrivals where?

A In Camp Dora and in Camp Dora Work, and how many people either through sickness or through death were lost.

Q To whom would these reports go which showed the things you mentioned?

A These reports must have gone to the administration because the administration then would have to make payment on the basis of these reports.

(Kosth-direct)

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Q Do you know whether or not the payment would be made for every prisoner who reported for work?

A That I don't know.

Q Well when you made out your reports how did you make them out? Did you include every prisoner that reported for work or did you not?

A Only according to figures. The prisoners were only listed according to figures.

Q Did you list, for payment purposes, all the prisoners who reported for work irrespective of their condition or did you not?

A We had to report every prisoner who was present.

Q Now to whom did you say these reports went to the Direktion--whom do you mean by Direktion?

A Insofar as I know these reports went to the director who was in charge of the finances so that the figures could be set up and that is for certain, and then Director Rudolph received a report. There was also a report at Director Sawatzki's. Therefore I presume, I presume that the director general's office also received a report.

DR. AUERBACH: I object to the translation. The witness said "a copy of this report" and not "a report."

WITNESS KARL ROETH: Perhaps I didn't express myself correctly. These reports were made out or mimeographed copies.

DEFENSE COUNSEL: I would like to make a motion to strike the last part of the witness's answer, starting with "presume," on the grounds it is purely assumption.

PROSECUTION: Well, give me a chance to find out what it is based on, will you?

Q Now, you say that you only presume that a copy went to Rickhey. Do you know how many copies of this report were made?

A No.

Q What was the channel by which these copies went up? I withdraw that.

Into whose hands would these reports come before they would start going out to various people whose names you have mentioned?

A That I can't say.

PRESIDENT: Just a minute. Tell the witness to speak so that he may be heard by both the court and the accused and to face the court when he is answering questions.

Q To whom did you send the report which you made out for your section?

A My report was usually made by telephone to the main section.

Q Who was the main section?

A The main section was called Control.

Q Who was in charge of that?

A Engineer Soherer.

Q Do you know whether or not the other sections would follow the same procedure you did?

A The other sections perhaps had a different way of making reports.

Q Do you know whether or not they would send the same information?

A The reports had to be sent to the so-called -- I believe it was called Prisoners Commitment or Allocation -- all of them had to be sent there.

Q Now, what was done with them there, if you know?

A There all the reports were assembled together -- the strength reports -- and from there the report went to the SS to Camp Dora.

Q Now, you said there was a report which showed the total number of prisoners available for work, new ones which came in, the ones which were sick, and the ones which died. Where would you get that information from?

A I didn't receive these figures, but it must have resulted from a comparison of the old report with the new report.

Q Did you see these reports?

A No, these reports I didn't see. I only saw the reports -- the in between reports. I could also make a comparison in my reports. I daily noted how many new prisoners I had and how many were lost through death or otherwise.

Q How would you know whether they died or whether they were sick?

A The foreman who was in charge of a smaller group reported to me that this or this one had died.

Q Did you ever see a report which showed in writing the number of prisoners available for work and the number who were sick and the number who died? Please answer that "yes" or "no."

A No.

Q What business did you have with Simon?

DEFENSE COUNSEL: If the court please, may I respectfully pray a decision now on -- a ruling now on the motion to strike.

PROSECUTION: I will agree to it.

PRESIDENT: You refer now, do you not, major, to that part where the witness said he presumed that a copy ---

DEFENSE COUNSEL: Where he supposed that it went to the director general.

PROSECUTION: No, he presumed it went to Rickhey.

PRESIDENT: The motion is granted.

QUESTIONS BY PROSECUTION (continued):

Q The question, now, is: What were your relationships with Simon? What did you have to do with him?

A I had nothing whatsoever to do with Simon. I only heard about Simon from my prisoners.

PROSECUTION: I have nothing further.

DR. AHRIMEN: Cross examination for the accused Rickhey as well as Simon.

CROSS EXAMINATION

QUESTIONS BY DR. AHRIMER:

Q Mr. Roeth, if I understand you correctly, you came to the Mittel Works in October 1943, is that correct?

A Yes.

Q Who at that time was in charge of the factory -- rather, of the construction of the factory?

A Director Rickhey. No, Director Sawatzki.

Q Then Director Sawatzki was there from the very beginning, is that correct?

A Yes.

Q Have you heard that SS Major Foerschner, the camp commandant, was in charge of the -- was the business manager already since October 1944?

A No.

Q Did you ever have anything to do with a Director Berch?

A The name is known to me now, but I never had anything to do with him.

Q Did you never hear that Berch was the business manager of the Mittel Works?

A No.

Q Did you never hear the name of the business manager Kettler -- and from the beginning of your employment there?

A I did hear of the name of Director Kettler, but if it was from the beginning on, I can't say.

Q Then, if I understand you correctly, in general you had something to do with Director Sawatzki, is that correct?

A I had a main section chief to whom I always had to go. I had nothing whatsoever to do directly with a director.

Q And what was the name of this main section chief?

A Scherer. Max Scherer.

Q Is that the same Scherer to whom you had to report your daily strength report?

A Yes.

Q Isn't it correct that every section, because secret weapons were involved here, was divided off from the other sections?

A The sections were divided off, but we as the Control Section had entrance to each section.

Q What was the duty of your Control Section?

A The Control Section -- that is, the Main Control Section, as it was called, was subdivided into smaller Control Sections. The Sub-Controls consisted, for instance, of a Receiving Control -- that is, this section had the control over the merchandise, over the parts which arrived from other factories. There was a Material Testing Place there; there were

various control sections for the control of those parts that were manufactured in the factory itself. There was a control for the electrical parts and there were various controls of the finished products. Then there was a section which was allocated to the control which was -- consisted of the measurements, measures -- measurement equipment, equipment used for testing various measurements.

Q You spoke about the daily strength reports. Isn't it correct that this manner of making reports existed from the very beginning of the Mittel Works? Did you understand the question? Is it or isn't it?

A That I can not say, because four weeks after I entered the Mittel Works I became ill with pneumonia and I was in the hospital from the middle of November until the middle of January.

Q And in the middle of January when you then returned back to the factory, was this manner of making reports customary in the factory?

A I believe, no.

Q As far as you can remember, when did they start this way of making reports?

A If I remember correctly, it must have been during the course of the Summer.

Q Prior to this, was there no control over how many prisoners were assigned daily for work in the individual details?

A It is possible that these reports were taken care of by the main section.

Q Isn't it correct that the accused Rickhey did not enter the factory until May 1944?

A It is correct that Director Rickhey was not there from the beginning on. He entered the factory in the early part of the Summer of 1944. That is the first time that I heard his name mentioned.

(BOETH-Cross)

Q But he was a civilian and not a member of the SS, is that correct?

A I only saw Mr. Rickhey in civilian clothes.

Q You were asked about conferences which took place in a barracks in front of the A Tunnel. Do you know of only one conference of this kind or do you know about more conferences?

A I only know definitely about one conference.

Q If the prosecution asked you about "conferences" then, you can not speak about the plural but you can only speak about one conference. So you can not state that it was a customary practice to hold these conferences in a barracks in front of Tunnel A?

A No, that was not a customary procedure. I can not state that.

PRESIDENT: The court will recess for 20 minutes.

(Whereupon the court recessed at 1000 hours.)

(Whereupon the court reconvened at 1030 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all the members of the court are present; the prosecution and the defense are represented by counsel; all of the accused are present; the reporter and interpreter are present. At the end of the last session the witness, Roeth was under cross examination.

PRESIDENT: The witness is reminded he is still under oath.

KARL ROETH, called as a witness by the prosecution, resumed the stand, and being reminded that he was still under oath, testified further through an interpreter as follows:

CROSS EXAMINATION:

QUESTIONS BY DR. AHLMER:

Q Mr. Roeth, before the recess we spoke about this one conference at which Director Rickhey was present in the barraks in front of the Tunnel A. Did Scherer tell you anything about the purpose or the matter under discussion during this conference?

A Yes. He had the section chiefs come to him and he said approximately in the following words that, "From now on a different wind was blowing".

Q In what sense was this meant?

PROSECUTION: I pray the court's judgment. Let him say what was said and leave the interpretation to the court.

DR. AHLMER: I withdraw the question.

QUESTIONS BY DR. AHLMER:

Q What did Scherer tell you what Rickhey meant with this?

PROSECUTION: I pray the court's judgment. I repeat my objection. Let him tell what was said, not what Rickhey meant or what anybody else meant.

DR. AHLMER: I withdraw this question.

QUESTIONS BY DR. AHLMER:

Q Scherer didn't tell you anything about another conference at which Director Rickhey was present, is that right?

A No.

Q Did you have anything to do with Director Von Bovert?

A The name of Bovert is known to me. Director Bovert was later, if I am not mistaken, in Klein Bodungen.

Q Did you have anything to do with Director Winkler?

A No.

Q In what hall was your section?

A Are you speaking about the main section or about my small control section?

Q I mean your own small control section.

A My control section was at first in Hall 6 and later on in Hall 30.

Q And the main section?

A The main section was first in the so-called Zero Tunnel, and later on where the vertiole testing took place. The name of this tunnel I cannot remember.

Q Until when was this main section in the Zero Tunnel?

A I cannot remember the exact date when this move took place.

Q Can you remember if this move took place before June or after June 1944?

A No.

Q Did you go into this Zero Tunnel several times?

A Yes.

Q A witness has come here before this court and stated that Director Rickhey had an office in the Zero Tunnel in May 1944. What do you say to this?

A I don't believe that his office was in the Zero Tunnel. I believe it was in Tunnel 1 or perhaps it could have been in Tunnel 2 where the offices were, but I can't remember exactly just in which tunnel it was that Director Rickhey had his office.

Q But you don't know of your own knowledge if Director Rickhey actually had an office in any other of the tunnels at any time?

A No, because we had nothing to do directly with Director Rickhey.

Q You were asked by the prosecution in detail about this premium money. Isn't it correct that this premium money was first instituted in the summer of 1944?

A I cannot state exactly when this premium money was first instituted. I only heard from my prisoners that premium money existed and that I should try to obtain this premium money for them.

Q Can you remember approximately when this was that the prisoners told you this?

A That could have been already in the fall of 1944.

Q You spoke of the strength reports, that they were assembled by the work commitment or allocation of Engineer Raschdorf. And you said that at that time Raschdorf worked together with Simon. In connection with this, I ask you, is it not correct that from the first of June 1944 it was not Simon but SS Tech Sergeant Sogalla? SS Tech Sergeant Sogalla was the one who intervened in all the questions concerning labor commitment between the mittelwerke and Camp Dora?

A This working manner was unknown to me as a civilian.

DR. AUBIMER: No further questions.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q How far was Tunnel 1 from Tunnel Zero, or was it the next tunnel from Tunnel Zero?

A One was the next tunnel after Zero.

Q Do you know whether or not there were the main offices of Mittelwerke in Tunnel 1 or Tunnel Zero?

A In Zero Tunnel it was not possible that there were many offices

because there were other installations in this tunnel, for instance, the heating installations.

Q Well, was there any in Tunnel 1?

A The most of the offices were located in the so-called office tunnel, I believe Tunnel 1.

Q Now, this conference that Rickhey had in this barrack outside the tunnel, when did that take place?

A That must have been in the summer of 1944.

Q Now, you said you were told by your superior that Rickhey said, "Another wind is going to blow now". What else did Rickhey say?

A The words that Director Rickhey used were perhaps not told as literally, but we were told we should work more and the apparatus, that is, the V-2 weapon, was to be produced more cheaply.

PROSECUTION: Nothing more.

RECROSS EXAMINATION

QUESTIONS BY DR. AHSIMER:

Q Did Camp Commandant Boerschner have an office at any time in this tunnel which was next to Tunnel Zero?

A Yes.

Q Can you state until when this office of Boerschner existed in this tunnel?

A No.

DR. AHSIMER: No further questions.

PROSECUTION: Questions by the court?

PRESIDENT: There are no questions by the court.

PROSECUTION: May the witness be permanently excused?

DEFENSE COUNSEL: The defense would like an opportunity to talk with the witness before we make a decision whether or not he is to be permanently excused.

PRESIDENT: The witness may be excused for the time being. He has permission to leave the courtroom now.

(Whereupon the witness was excused and withdrew.)

PROSECUTION: There is to be another witness, the name is Henry Maubert.

HENRY MAUBERT, called as a witness by the prosecution, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q State your full name, please.

A Henry Jacques Maubert.

Q Where do you live?

A Irigny, Rhone.

Q How old are you?

A 27 years old and a half.

Q What is your nationality?

A Frenchman.

Q And your civilian occupation?

A Newspaperman.

Q Were you at one time a prisoner of Dora or any of the sub-camps of Dora?

A From the first of April 1944 until the 4th of April 1945.

Q Which camps were you at?

A Do you want to know the first camp or all the sub-camps?

Q The first camp and all the subcamps--only subcamps of Dora.

A I left Buchenwald on the first of April 1944. We stopped at Camp Dora for a few hours then we were sent to Cam Harzungen.

Q When did you arrive at Harzungen?

A On the 3rd of April '44.

Q How long did you stay in Harzungen?

A Until the 14th of July 1944.

Q And where did you go then?

A To Ellrich.

Q And how long were you in Ellrich?

A I left Ellrich on the third of March 1945.

Q And where did you go after the third of March 1945?

A In the Boelke Kaserne of Nordhausen.

Q And when did you arrive at Boelke Kaserne at Nordhausen?

A On the same day on the third of March 1945.

Q And how long were you at Boelke Kaserne?

A One month and one day--until the 4th of April.

Q Now, would you look around the courtroom and see if there are any SS or other people here whom you met at Dora, Harzungen, Ellrich, or in Boelke Kaserne. Go right up to them and point them out--SS and other people.

A Brinkmann (indicating), Doctor Schmidt (indicating), Boelke Kaserne.

Q Anyone else?

A Nobody else.

PROSECUTION: Let the record show that the witness has identified the accused, Schmidt, wearing placard Number 16 and Brinkmann wearing placard Number 3.

Q When did you first meet Brinkmann? And where?

A At Camp Ellrich.

Q When approximately?

A In November '44.

Q What was Brinkmann's position in Ellrich?

A Camp commander--camp leader.

Q What can you tell the court about Brinkmann?

A The first incident I know about him concerns Russian prisoners. He tried to escape from the work camp of Wolfleben. We had to stand on the roll call yard of Wolfleben until the prisoner was found. We were told

that the Russian prisoner had been found under the floor of one of the barracks. The prisoner was taken to Ellrich in a special truck, and we took the train like every day to go to the station of Ellrich. And when we got in at Ellrich then the Russian prisoner was on the roll call square. Camp Leader Brinkmann together with two other SS, if I remember correctly there were two other ones, if I remember correctly, were standing next to the Russian prisoner. One of the SS had two police dogs on a leash. Then through one of the interpreters who was a Pole, 17 or 18 years old, Brinkmann said the following, "This prisoner tried to escape, he would be punished in front of you so as to make an example for you". Brinkmann beat the Russian prisoner until he collapsed. Before Brinkmann started beating the Russian prisoner, the prisoner had already his face covered with blood. He went to beating the prisoner after he had collapsed by kicking him in the stomach then, though he made the prisoner get up again, after having asked two other Russians from the lines to help him to get up. The two came to the barbed wires of the camp, and they pushed him in a brutal way in the wires, and there Brinkmann in a brutal way again beat him until he collapsed again. Then he grabbed him by the collar of his blouse and dragged him for about four or five meters. Then they set on the prisoners who was lying on the floor motionless the two dogs which had been left loose, and while the dog was biting the prisoner brinkmann together with another SS whose name I don't remember went on with the beating of the prisoner.

Q What finally happened, is the question, to this Russian?

A Before we moved from the rolls of the rollcall the interpreter said something else. These Russian prisoners tried to escape. He has been punished in front of us and all people who would try to do the same would have the same fate. Then we didn't have to stand any more in the roll.

Q What happened to this prisoner? Let's finish with him.

A The prisoner was taken to the hospital. He was unconscious and in a terrific state. I heard the next day from a French physician of the hospital called Segelle, that the prisoner died without having regained consciousness.

Q What else can you tell the court about Brinkmann?

A The other incident which I can mention here is something personal.

Q What is the nature of it? Without giving the details.

A I would prefer to tell the court about it, because it concerns other prisoners and myself too.

Q What happened to these other prisoners?

A The incident occurred in the new hospital of Camp Ellrich.

Q What happened to them? To these other prisoners?

A It was on a Sunday afternoon in the new hospital? We were playing cards.

Q Tell him to go ahead, if he insists.

A Brinkmann pushed the window, which was half open. He was with a SS NCO and he saw us playing cards. And he screamed, "What! Jews game?" We had to leave the barrack and he very furiously beat us with his fists and kicked us. Among these people was a French physician called Chebard, he was wearing glasses and the glasses broke in his eyes. Then we had to run in the snow and one of us--I mean myself--I was barefoot with only a

short on and a shirt with one frozen foot. Brinkmann ran after me up to the gate of the camp and he was shouting, "Quicker, quicker", and he kicked me in the back. And in front of the gate we had to stand without clothes at attention for more than an hour. Brinkmann had promised to have us given at least 50 blows each on the back. We didn't get them things, due to the intervention of the aircorps physician of Camp Ellrich at the time. Because all four of us were members of the personnel of the hospital. I have nothing else to add concerning Brinkmann.

Q Now you left Ellrich on the third of March and arrived at Nerdhausen on the same day. How did you travel from Ellrich to Nerdhausen?

A By train in freight cars.

Q How many people were with you?

A Between eighty and a hundred.

Q About what time did you arrive at Nerdhausen?

A Four o'clock in the afternoon. We left Ellrich at 1:30.

Q When did you first see the accused Schmidt?

A On the third of March, 1945.

Q Where?

A In the station of Nerdhausen where our transport arrived.

Q Did you have something else to add?

A He was standing with some other SS near an electric pole. It was at the beginning of a road which would take us to the main road.

Q How many cars comprised that transport from Ellrich to NerdhauseN?

A About twenty cars.

Q And how many people were in your wagon?

A I can't give you an exact number but, being used to travel in overloaded cars, I think we were about 80 or 90.

Q Now I asked you before the size of the transport and you said, if I remember rightly, 70 or 80.

A I didn't give you this number for the entire transport.

Q What was the size of the whole transport?

A 1602.

Q How did you go from the railroad station to Boelke Kaserne itself?

A We marched. It was snowing and cold was about ten degrees centigrade below zero. All the prisonersin this transport were very seriously ill people. The Germans used to call them Musselmen.

Q Now what happened at the railroad station, if anything, outside of the fact that you got out of the freight car? Was there any examination or inspection made of this transport at the railroad station?

A After we left the cars we were assembled on the sidewalk in the station.

Q By whom?

A The SS assembled us and then they counted us. Then they counted the dead people who were in the cars.

Q How many were there?

A About fifty.

Q Where did these people die.

A In the cars during the transport from Ellrich to Nordhausen.

Q And how long did you say that transport took?

A Two and a half hours.

Q Now after you were lined up at Nordhausen, what happened then?

A We first remained for one hour on the sidewalk, because the SS counted us many times.

Q How long did Schmidt stay there?

A I couldn't tell you; I don't know it.

Q What happened then?

A We then marched to camp Nordhausen. The distance was half a mile. Most of the prisoners were not dressed and some of them couldn't stand up.

Q What happened to them?

A They fell down along the road. The SS tried to make them get up by kicking them and when they saw that the men couldn't get up at all, then they would leave him lying on the side of the road. When we arrived at the gate of the camp we saw two cars pulled by prisoners leave the camp.

Q What was in these cars?

A They were empty at the time; they were going to get the people who were too weak to walk or the ones who were dead.

Q All right. Now when you arrived at the camp tell us what was the first thing that was done with you?

A We had to enter Blocks 6 and 7.

Q Was any examination made of this transport before it went to Blocks 6 and 7?

A No.

Q Were Blocks 6 and 7 empty at the time your transport entered them?

A No. There were around two thousand prisoners already in Block 7 whose numbers were between 117,000 and 120,000. There must have been 100 people also in Block 6. We were put in both blocks in equal numbers.

Q Who divided you into equal numbers?

A The block eldests and the personnel of the blocks.

Q Did you during your stay in Boelke Kaserne meet a man by the name of Hans Maienschein?

A The name of Hans Maienschein does not mean anything to me. Maybe I would recognize him if I would see him.

Q Did you meet, in my office within the last few days, a prisoner whom you knew in Boelke Kaserne?

A Yes. But I didn't know his name.

Q What was his job in Boelke Kaserne, the man whom you met here?

A He was working in Block 6; he was either an orderly or an assistant of the block eldest.

Q After your entry, or the entry of your transport, into Blocks 6 and 7, was a medical examination made of the members of your transport?

A No.

Q Into which block did you go?

A Block 7.

Q Did you have a chance to take a look into Block 6?

A Yes; often.

Q When was the first time you went to Block 6 after your arrival?

A Almost immediately after my arrival.

Q Did you have occasion, or an opportunity, to visit any other blocks in addition to 6 and 7?

A Block 5. Block 5 which, after our arrival, was filled with people who suffered from T.B.

Q How long after your arrival were you in Block 5?

A Eight or ten days later.

Q When was Block 5 first occupied with the tubercular people?

A Around the 12th of March.

Q Now tell the court in detail just what you saw in Block 7. Sleeping conditions, sanitary conditions, and so on.

A As we arrived at Block 7 it was already night. There were hardly any lights there. The iron doors were about four feet of the wall and were wide open and all the windows which were on the front wall were also open.

Q What kind of a building was this?

A There were the former garages of the SS barracks; they were made out of concrete and were very high—about twice as high as this is. (Indicating ceiling in court room.)

Q What was the floor made out of?

A Of concrete too.

Q Will you go ahead and describe the sleeping conditions of the members of your transport, beginning with the day they arrived, and des-

Q How many people were in that block?

A Between the people were already in the blocks and the people of our transport we were altogether about a thousand. When the entire excelsior was spread on the floor about three fifths of the entire floor only was covered.

Q To what depth?

A Maybe two or two and a half centimeters.

Q How many blankets did you say you had for the members of your transport?

A Around 40. The blankets were piled up near the door. They formed two heaps about one meter high.

Q Now how many people could these two piles of blankets cover?

A Oh they were not used to cover many sick people because they were almost immediately taken away by the personnel of the block who would keep them for themselves. The personnel of the block were billeted in a special part of the block which was separated by an iron fence and those rooms were former supply rooms of the garage.

Q Describe the sanitary conditions in block seven and the toilet and wash facilities?

A When we arrived at block seven only the latrines had been installed, but they had no water yet. There were no wash basins at all. The only running water was a little tap in one of the corners of the block, the corner which looked out the staircase going up to the hospital.

The first night we spent in the block some of the prisoners didn't find any room to lie down and there was no more light. As soon as the doors of the blocks were closed all prisoners in this block were very seriously ill.

In these very huge blocks there was no heating system whatsoever. After a few days the straw on which those people were lying and which during the day was piled up in a corner of the block became real manure.

Q Was there any heat there at all?

cribe how it was until the end.

Q As we arrived in the block there were four heaps of excelsior and about forty blankets.

Q How many people were in that block?

A Between the people were already in the blocks and the people of our transport we were altogether about a thousand. When the entire excelsior was spread on the floor about three fifths of the entire floor only was covered.

Q To what depth?

A Maybe two or two and a half centimeters.

Q How many blankets did you say you had for the members of your transport?

A Around 40. The blankets were piled up near the door. They formed two heaps about one meter high.

Q Now how many people could these two piles of blankets cover?

A Oh they were not used to cover many sick people because they were almost immediately taken away by the personnel of the block who would keep them for themselves. The personnel of the block were billeted in a special part of the block which was separated by an iron fence and those rooms were former supply rooms of the garage.

Q Describe the sanitary conditions in block seven and the toilet and wash facilities?

A When we arrived at block seven only the latrines had been installed, but they had no water yet. There were no wash basins at all. The only running water was a little tap in one of the corners of the block, the corner which looked out the staircase going up to the hospital.

The first night we spent in the block some of the prisoners didn't find any room to lie down and there was no more light. As soon as the doors of the blocks were closed all prisoners in this block were very seriously ill.

In these very huge blocks there was no heating system whatsoever. After a few days the straw on which those people were lying and which during the day was piled up in a corner of the block became real manure.

Q Was there any heat there at all?

pld-311-2

A No. I stated so already there was no heat on at all, although the whole installation for heating was there.

Q Was there any material out of which to make heat?

A Behind the kitchen block there was a huge pile of brickets. During the months I was in Nordhausen we saw two big trucks loaded with coal arrive at the camp.

Q What was the difference, if any, between the conditions in general in block six and the conditions in general in Block seven so far as sanitation heat and cleanliness was concerned?

A No different. There was something more terrible in Block six, that those rooms which in block seven were occupied by the personnel there, in Block six they were occupied by sick people.

Q Later on you were assigned a job in Block seven were you not? What was it?

A I was put in charge of the control of the sanitary conditions in Block seven with the title of Block physician.

Q When were you so appointed? Just the date.

A Around the 12th of March.

Q How long did you have that job?

A Until the 4th of April.

Q What physicians, actual physicians were on duty in Block seven?

A None.

Q During the entire time you were in Block seven what medical examination was made of the occupants of Block seven?

A In block seven, none.

Q Now during the entire time you were in Block seven did you ever see the accused Schmidt in that block, in Block seven?

A Never.

(Maubert-direct)

pld-311-5

Q During the entire time you were in Block seven was there ever any SS doctor in Block seven?

A No.

Q After your transport arrived did any other transports come or go from Blocks six and seven?

A The transport which arrived on the third of March and of which I was apart left Nordhausen on the 6th of March.

Q How many of the people that arrived with you left on the 6th of March?

A Around 1400, but of our transport about 350 were dead and were replaced by some other people taken from different blocks.

I want to be very specific on one point. During the three days these Ellrich transports stayed there none of the sick people had the permission to go into sick call or to go to be bandaged.

Q Did you see, after this transport left, after this transport left Nordhausen on the 6th of March some of the people who had originally been on that transport who didn't go away with it?

A Yes, I saw some of them, yes. But they were only block six and they are the persons billeted in those little rooms of which I spoke before.

Q What happened --

DEFENSE COUNSEL: Just a minute. Didn't the witness say, "The sick people who were quartered there"?

THE WITNESS: There was only sick people in this transport.

QUESTIONS BY THE PROSECUTION:

Q Did you have a chance to look into these storerooms in Block six after this transport left?

A Yes.

Q What did you see there?

(Maubert-direct)

pld-311-4

A You want to know some of the names of the people who were there or only in which conditions they lived in?

Q Just the conditions they were in when you saw them after the transport left Nordhausen?

A Block six was entirely empty after the transport left, but after the transport left in each of these cages, in each of these three cages tthere were at least 50 or 60 prisoners.

Q What was their condition?

A Some of them were absolutely naked. They all suffered dysentery. The excelsior which covered the floor of those cages had no color whatsoever if it wasn't the color of excrement. All they had to relieve themselves was half a can of oil, the edges of which had not been smoothed out, and most of these people had not the necessary strength to get up to go to these cans.

PRESIDENT: The court will recess until 1330.

(Whereupon at 1155 hours the court recessed.)

AFTERNOON SESSION

(Whereupon the court reconvened at 1330 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present; prosecution and defense are represented by counsel; all of the accused present, the reporter and the interpreters are present.

At the end of the last session the witness Maubert was under direct examination.

PRESIDENT: The witness is reminded he is still under oath.

HENRY MAUBERT, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, continued to testify through a French interpreter as follows:

(Whereupon the proceedings were translated into the German language.)

DIRECT EXAMINATION (continued)

QUESTIONS BY PROSECUTION (continued):

Q These blankets that were given to you, or, to your transport when you first arrived at Boelke Kaserne -- now, what was the condition of those blankets?

A A few of them were quite clean; they were the ones that were used by the personnel of the block. As for the other ones, they were in such a state of filth -- they were soiled with fecal matter -- that one really had to have been a prisoner for a certain number of months in order to place them on one's body.

Q Now, you said that you were appointed in charge of the medical -- or, rather, you were appointed a sort of doctor, or, as the doctor of Block 7 sometime around the 12th of March. Who was charged with the medical care of Block 7 from March 3rd, when you got there, until the time of your appointment?

A Before that?

Q Between the time you came until the time of your appointment?

A There were no doctors in the block when we arrived. There weren't -- there were no nurses also. And there was only a doctor whose name was Max and whose profession, it was violinist, and who took care of the block.

Q Which block?

A I give the following exactness: It was Block 7.

DR. AHEIMER: I raise an objection against the translation of the previous answer from French into English. The witness did not say it was a doctor who was called Max; he said it was a man called Max.

PROSECUTION: I believe you said the profession of this man Max was that of a violinist. Is that a correct translation?

A I did not say "Doctor Max." I said that man was a violinist.

Q Now, from the time of your appointment until the 4th of April, what assistant, if any, was given to you in conducting the medical affairs of Block 7?

A None.

Q What medicines or medical supplies were furnished you for the use of the prisoners in Block 7, during the entire time you were there?

A Personally, I was not given any medicines or bandages or any medical supplies whatsoever.

Q What was the prisoner population of Block 6, if you know?

A Approximately the same population as ours -- that is to say, between 900 and 1000 prisoners.

Q What was the prisoner population of Block 5, if you know?

A Between seven and eight hundred prisoners, approximately.

Q Do you know the average prisoner population of the "revier" itself?

A From four to five hundred.

Q Now, did you visit Block 5?

A Yes, often.

Q What was the occasion?

A I had some personal comrades of mine in Block 5 who had tuberculosis.

Q What percentage of the prisoners in Block 5 had tuberculosis?

A 100 percent. That was a block only for tuberculosis patients.

Q Now, you have described the sleeping conditions of the prisoners in Blocks 6 and 7. Will you describe to the court the sleeping conditions of the tubercular patients in Block 5?

A They were even worse in Blocks 6 and 7.

Q Now, will you avoid the use of adjectives and describe in detail just what the sleeping conditions were?

A Only the two-thirds of the blocks were liveable; the last third was an old automobile spare parts warehouse.

Q Where was this Block 5 -- in relation to Blocks 6 and 7?

A It was on the first floor and it was in parts of the first floor above Block 6; and another part was above Block 7, which adjoined the dispensary.

Q Did you say it adjoined the dispensary or was the dispensary?

A No, it was not the dispensary.

Q Now, will you continue and describe the sleeping conditions of these tubercular patients?

A The two-thirds of the block which were liveable, or, more precisely, were lived in, were covered with a coat of about two centimeters of excelsior.

Q Were there any beds there at all?

A No.

Q Continue, please.

A During two or three days the whole place was completely occupied, because the arrivals in Block 5 were 250 or 300 a day. After that time it was impossible for the sick to lie on their backs; they had to lie on their sides.

Q Why couldn't they lie on their backs?

A There wasn't enough room.

Q What did they have to cover with?

A Nothing.

Q Nothing at all?

A Nothing at all.

Q What sanitary facilities were there in that block?

A There were no washstands and the latrines were just like the cages in Block 6 -- some half barrels of oil. These latrines mentioned remained several days in succession without being emptied. Now, I want to say that they were not necessarily full after a few days, because the sick did not have either the strength or the will to get up and use them.

Q What medical attendants were on duty in Block 5? Physicians or nurses or both?

A In Block 5 there was some French doctor from the south of France -- I don't remember his name any more, but I want to say more exactly that that doctor was only appointed only a few days after the occupation of the Block 5 by the tubercular people.

Q What assistants or nurses did this French doctor have to help him with the tubercular patients?

A Two or three volunteers who were very happy to receive one extra liter of soup a day for the work which they performed.

Q How often were you in Block 6 during this period of March '45?

A Every day, twice a day minimum.

Q Now, during this entire period from the 3rd of March until the beginning of April, how many times did you see the accused Schmidt in either Block 6, Block 7, or Block 5?

A I never had any occasion to watch Dr. Schmidt practice his profession either in Block 6 or in Block 7.

Q My question was this: How many times did you see Dr. Schmidt in Block 5? Let's put it that way. During the entire time?

A Never.

Q How many times during the entire period from March 3rd to April 4th did you see the accused Schmidt in Block 6?

A Never.

Q How many times from the 3rd of March until the beginning of April did you see Dr. Schmidt in Block 7?

A Never.

Q During the entire time from March 3rd until April 4th, how many times have you seen any SS doctor in Blocks 5, 6, or 7?

A Never.

Q What kind of a place was this Boelke Kaserne supposed to be?

A I ask the prosecutor to detail his questions.

Q Was Boelke Kaserne a concentration camp like Ellrich, for example?

A No, it was only a sick building. It was a camp for the sick only.

Q What did this camp consist of?

A Two convalescent blocks were there. Those were Blocks 6 and 7. A block for tuberculosis, which was a block for contagious diseases, which was Block 5. The dispensary itself.

Q Anything else?

A Those four blocks formed a camp which was completely separated from the rest of the camp, from the Boelke Kaserne by a fence.

Q What kind of a fence was that?

A It was a barb wire fence, just like all the concentration camp fences. In this fence they had arranged a door right against the hospital wall in order to allow the various details, such as the soup detail or the dead detail, that is, the people who came to get the dead to go through there. On the other side of that fence there was another building which was approximately as large as the building where the sick were. In that building were located the kitchen, the bread warehouse, the food warehouse.

Q Was this building inside the fence in which these four blocks were located, or was it outside the fence?

A It was in the general area of the camp but it was on the other side of the fence.

Q How many doors or exits were there in this barb wire barrier? You have mentioned one that went inside to the camp itself through which food came--were there any more?

A There was another exit towards the orderly room and toward the gas station.

Q How many exits altogether?

A For the prisoners there was only one. The other one was guarded by the SS.

Q Who guarded the one that wasn't guarded by the SS?

A There was always a prisoner who was in charge of preventing the sick from going into the place where the non-sick were and vice versa.

Q Now, this gate that was guarded by the prisoners, was that the one which led into the camp itself--the main camp itself?

A Yes, it went into the camp itself.

Q Now, the doors which led, or the exits which led into and out from Blocks 6 and 7, how many were they?

A I would like to know if I am asked to state the number of gates which were between the blocks themselves or between the blocks and the yard.

Q The blocks and the yard.

A Each one of Blocks 6 and 7, I have already stated that they were old garages, had three doors.

Q Were these doors open at night, or were they shut?

A They were sometimes opened, but the orders were that they should strictly be closed. There was a seventh door which was the one of a room which was between the blocks 6 and 7.

Q Now, who was the head man who was the man in charge of this group, blocks 5, 6, 7, and of the revere itself during the time you were there?

A Those blocks being only sick blocks were directly under the orders of Captain Schmidt.

Q How about the hospital, who was in charge of that, the head man?

A On the prisoner's' side it was a prisoner doctor from Vienna named Otto, who was capo of the dispensary, but he was under the direct orders of Doctor Schmidt, who had the title of camp doctor.

Q Did you ever hear of a bunker at Boelke Kaserne?

A No. There wasn't any bunker in the Boelke Kaserne but there was a bunker in the town of Nordhausen.

Q Now, you said that Schmidt was the man in charge of these three blocks and also the hospital. How do you know that?

A I saw before my eyes orders signed by the camp doctor, Schmidt.

Q Do you know who was the SS doctor in the bunker at Nordhausen?

A Myself I do not know it, but in France the chiefs of our organizations of ex-deportees have confirmed to me that Dr. Schmidt was the responsible doctor of the bunker of Nordhausen.

Q Can you tell the court as far as you know personally, or as far as you have heard when Doctor Schmidt first came to Boelke Kaserne?

A The same chiefs of our organizations of prisoners have confirmed that Doctor Schmidt was a doctor of the Boelke Kaserne from the end of the month of February 1945.

Q Now, you mentioned this death carrying detail. How often would that detail come to Block 7?

A Every day.

Q On the average how many dead would be carried out of Block 7, speaking only of people who were sleeping in Block 7 and died in Block 7?

A The number varied considerably depending on the days. It varied between 20 and 74 a day.

Q Can you remember the date upon which they carried from Block 7 74 dead people?

A Yes. It was right at the end of the month of March. I cannot say the exact day, but I can say in what circumstances there were 74 dead at Block 7.

Q Did it happen in connection with some particular event which took place?

A Yes, a very particular event which was an order for general disinfection. This order, which I mentioned, was signed by the prisoner doctor, Otto Kozdas and the camp doctor, Schmidt.

Q Now, let me ask you when or rather this question, after the time you saw the accused Schmidt at the railroad station, did you personally see him again?

A Yes, three times personally.

Q That is three times in addition to the time at th railroad station?

A Three times in addition to the railroad station.

Q When was it you saw him for the first time after the railroad station?

A Eight or ten days later at the dispensary.

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Q How did you happen to go to the revere?

A It was abnormal that I should remain in the camp after the departure of the transport which had arrived on 3 March.

Q How did you happen to go to the revere?

A I was called to the dispensary after having been interrogated on the 8th or 9th of March approximately.

Q By whom were you interrogated--wait a second please. By whom were you interrogated on the 8th or 9th of March?

A By the orderly room.

Q By whom?

A I cannot remember exactly the name of the person who interrogated me on the reasons for my presence in the camp.

Q How did you receive the order to report to the revere?

A Through the block chief, Hulmerr.

Q Of which block was he the block eldest?

A Of Block 7.

Q What did he say to you?

A He just told me to go up to the dispensary because they wanted to talk to me, they wanted to ask me some questions.

Q Did he say to whom you were to report or who wanted to talk to you?

A He told me that the chief doctor wanted to see me.

Q What dia you do when you got that order?

A I went up to the hospital and I found myself in the bandaging room in the presence of Otto Kosdas, who was standing at the secretary's table and of Schmidt who was sitting down there.

Q What did you say when you came into that room?

A They asked me first--tney made me repeat what my name was, then they made me repeat the explanations which I had already given about my presence in the camp after the departure of the transport.

Q When you say, "they made me", who made you?

A Those very precise questions which were asked of me about my presence in the camp were asked by Kozdas, however, it is Doctor Schmidt who asked me if I had performed any medical studies.

Q Tell the court in detail just what talk you had with Doctor Schmidt and with this other man whom you said--every word of it.

A I answered that, effectively, I had studied medicine but that my studies had not been very great. At that time Kozdas, and I specify Kozdas, asked me if I knew how to make bandages, and I answered affirmatively, and Doctor Schmidt said for the work that he is going to have to do that is quite sufficient, and then Kozdas told me, "You are going to go down to Block 7 and you will tell the block eldest that you are assigned to Block 7 as doctor. Naturally, the block eldest refused to accept that order.

Q Let me interrupt you here?

A Yes.

Q What was your medical education?

I had only done my first year of P.C.B., and one stage of the military preparation. P.C.B. means only physics, chemistry, botanics; is is the first year of preparation for medical studies.

Q Did you have any medical studies at all? Any wholly medical studies?

A No.

Q What experience did you tell Dr. Schmidt you had in bandaging people and in taking care of sick people?

A I already said a while back that I had pointed out when I was interrogated that I only had done my first year of medical studies and that I knew hot to make bandages because I had done it during my period of military training for being a medic.

Q What was your next experience of contact with the accused Schmidt?

A It was about the number of sick which I was authorized to bring to the dispensary.

Q Before we go into that, did you hear anything more about your appointment as a physician in Block 7, after you left Dr. Schmidt?

A Yes. I went up again after the refusal of the block eldest to accept me as block doctor. And I went to report about that fact to Otto Kostas. He became very mad against the block chief and he said, "I will now give you a written order." He had it typewritten by the secretary of the dispensary, in the bandage room, naming me officially block doctor of Block 7. He had typewritten underneath the following: "der Lager Arts." And underneath"the capo from revere", andhe signed underneath the words, "der capo from revere" and then he took it to be signed by Dr. Schmidt and brought it back to me immediately afterwards.

Q And when he brought it back, by whom was it signed?

A It was signed by the camp doctor Schmidt and by Otto Kerzdas.

Q Will you tell the court as exactly as you can remember, the exact words of that order?

A Yes. "The prisoner Maubert, Henry, serial No. 44,646, is officially appointed doctor of Block 7."

Q Now as the block physician of Block 7, what were your duties?

A My duties were of caring for the thousands of patients who were in the block. And to have the bandages made, which had to be made daily.

Q How were you supposed to make the bandages?

A I had to take the sick to the bandaging room in the dispensary.

Q Did you have any material with which to bandage them in the block itself?

A Absolutely nothing.

Q Were all the people in Block 7 who required bandaging able to walk up to the bandage room?

A No.

Q How did you bandage them?

A One had to manage to find some volunteers to carry them to the dispensary. But, considering the general condition of the prisoners in the block that was very difficult, because it was very hard to find a man who was capable of supporting the weight of another prisoner in a stairway. On the other hand, if the job of taking care of the sick had to be properly done we would have had to take for the bandaging alone at least 150 or 200 wounded people to the dispensary every day.

Q What was your next meeting with Dr. Schmidt, after your appointment as physician?

A My next meeting with Dr. Schmidt is in relation with the thing I have just spoken about, about the number of patients which had to be bandaged.

Q How long after your appointment was this conversation?

A About ten days after. Perhaps a little less.

Q Where was it held?

A In the bandaging room of the dispensary.

Q Tell the court in detail all about this meeting with Dr. Schmidt we are now talking about?

A In order to take my patients to the dispensary every morning I had to wait for an oral order, which was brought to me by one of the nurses of the dispensary.

Q Why?

A Because each one of the blocks had to wait its turn.

Q Please continue.

Q So on this morning which I mentioned, I cannot say exactly which morning it was, the nurse came up to me and told me, "Go up to the dispensary immediately". So I gathered together, just like the previous days, about fifty prisoners who were wounded and whose bandages had to be done over again urgently. I went up to the dispensary with them.

PROSECUTION: I think we might make a brief break at this particular point, may it please the court; otherwise it might take me another five minutes.

PRESIDENT: The court will recess for fifteen minutes.

(Whereupon the court recessed at 1247 hours.)

(The court reconvened at at 1505 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court with the exception of Col. Benson, who has been excused by the appointing authority, are present. The Prosecution and the Defense are represented by counsel, all of the accused are present, the reporter and the interpreters are present. At the end of the last session the witness Maubert was under direct examination.

DEFENSE COUNSEL: I would like to announce for the record that as far as the defense is concerned, the witness Roeth who testified this morning may be permanently excused.

PRESIDENT: It will be noted in the record that the witness Roeth is permanently excused.

PROSECUTION: Can you give an idea when you will make a decision on this other man, my friend of yesterday?

DEFENSE COUNSEL: I think by tomorrow morning we can make an announcement on it.

HENRY MAUBERT, called as a witness by the prosecution, having been previously sworn, resumed the stand and testified further through an interpreter as follows:

PRESIDENT: The witness is reminded he is still under oath.

A Yes.

DIRECT EXAMINATION (Continued)

QUESTIONS BY PROSECUTION

Q At the end of the last session you were telling the court the circumstances of your last meeting with Dr. Schmidt, and you were telling about how you had gone up to the revere with sick patients who required bandaging. Will you take up your story from that point?

A Of course during the trip going up, of those 50 people, approximately--I say 50 because there were not only sick people there but there were also other people who were supporting the sick people--made a lot of noise in the stairways. So Kersdus, who at that time was probably supervising the bandaging of the people who were there before, came out and asked me what this rumpus was about. I answered to him that I was leading my patients, as usual, to the bandaged. He made them all go downstairs again and told me to go into the bandaging room.

Q Let me interrupt you here a minute. On those occasion when you took the sick prisoners up there to be bandaged who did the bandaging?

A They were three or four nurses. Poles, most of them, but there was one Russian.

Q What did you do while this bandaging was going on?

A What I did while the bandages were made?

Q While they were being put on the sick people?

A Usually I watched so that the worse wounds were bandaged as well as possible, and especially so that the wounded people were not sent back to the block without having their bandage changed under the pretext that they were still good enough.

Q Did that ever happen?

A Yes, several times.

Q Do you know of any reason why the bandaging of these sick people who had to be carried could not be done downstairs in the block itself?

A Because the materials for doing so were lacking and on the other hand the bandaging room of the dispensary was the only one authorized to make bandages.

Q My question was this: "Do you knowof any reason why the bandages could not be brought downstairs into the block and put on the prisoners in the block itself instead of making them go upstairs to the hospital?

A I don't know any valid reason for that.

Q Well now, the sick prisoners you said were chased downstairs and you went into the bandaging room. What happened after that?

A Arthur Korsdas told me, while he was acting as interpreter for Doctor Schmidt who was present, that if all the blocks brought him as many sick to the dispensary as I did it would become impossible to bandage people and that as a result I did not have the right to bring any more than 30 people to be bandaged every day to the dispensary. That was an order and the orders of the SS were not discussed.

Q Who was supposed to decide which 30 people needed bandaging most?

A Myself personally and it was not difficult to find 50 people who needed bandages urgently.

Q What was wrong with these people that required bandaging?

A The state of filth of the blocks was such that the slightest wound transformed itself into a purulent wound and most of them were suffering from phlegmon in a general way and on the other hand most of the patients in block seven were suffering from wounds on the head which were caused by blows with an iron bar received by the block chief.

Q Your last answer was translated, "blows received by the block chief". Do you mean by the block chief or from the block chief?

A Who were given by the block chief.

Q Tell the court something about the activities of this block leader and his iron bar?

DOCTOR AHEIMER: I object because up until now the witness has not mentioned the word block leader at all. He has been talking about the block eldest. He mentioned in French "Chef de bloc" and that means block eldest.

PROSECUTION: I am sorry.

Q Tell the court about the activities of the block eldest and his iron bar?

DEFENSE COUNSEL: I would like to object to that on the ground that it is suggestive and leading. Unless I am very much mistaken I have heard nothing about any iron bar in this court.

PROSECUTION: Oh yes!

DEFENSE COUNSEL: I withdraw my objection. I am sorry.

THE WITNESS: Naturally with a strength of over a thousand prisoners the disorder of block seven is easy to imagine. The block eldest Hueber had taken up the habit of re-establishing order with an iron bar which he kept at the head of his bed and the part of the body which he liked to beat was the head.

Q Describe this iron bar a little. What were its dimensions?

A It was easy one meter long and thre centimeters and a half in diameter and it was not necessary to beat very hard in order to pull out the skin from the skull and especially as most of us did not have any hair--none of us had any hair to prevent the blow from striking even harder.

Q About when did he start this beating with this iron bar? I don't mean what hour. I mean what day after you came there?

A As soon as we met him, that is to say about 3rd of March, 1945.

Q Over how long a period of time did these beatings continue?

A Until the last day.

Q What would be the result of some of these prisoners of these beatings with this bar?

A Within 48 hours they had a purulent abscess on their skull and they died. I don't know why.

Q Did you make a complaint about these beatings?

A I went personally to the block chief and I told him that all the prisoners of his block were severely sick people. I want to point out that he was helped in his deeds against the sick people by two gypsy room orderlies. Seeing that my request resulted in nothing at all I spoke about those mistreatments to Otto Kerzdas.

Q What did you tell this Otto Kerzdas?

A I told him that if it was necessary I would go as far as making a report to Doctor Schmidt who was the SS Doctor of the camp. He told me that it was impossible for me to make a report to the Chief SS Doctor of the camp, Doctor Schmidt, but as there had already been some complaints by the sick of Block 6 because of the brutality of their block chiefs and of their room orderlies---

DEFENSE COUNSEL: If the court please, could we have a clarification on this translation. The witness keeps referring to block chief and it is being translated as block eldest and block leader and there is a very great distinction between the two. Can we agree to a definite translation?

PRESIDENT: We should do so. What is the block chief?

THE WITNESS: The block chief is always a prisoner who is in charge of maintaining order and of the internal administration of the block where he is appointed.

PRESIDENT: Is he the block eldest?

THE WITNESS: Yes, he is the block eldest, yes. He is always under the orders of the Block Fuehrer who is the SS in charge of the block.

PRESIDENT: Will the interpreter henceforth interpret into English the term Bloc chef as Block eldest.

THE WITNESS: As there had been already some complaints by the sick of block six about the brutality of the block eldest he would make the report himself to Doctor Schmidt.

PROSECUTION: Didn't he also say brutality by the block eldest and stubendienst?

THE WITNESS: ---and by the room orderlies and that he could assure me that from then on the block eldest and the room orderlies would receive orders so that they would not mistreat anybody.

Q Was any reason given to you why you could not personally make this report to Dr. Schmidt?

A It was very difficult for a prisoner to speak to an SS.

Q What was the result of this promise made by Dr. Korsdas that an order would be issued that these beatings stop?

A There wasn't any result. I spoke to Dr. Korsdas about it two or three days later -- about that promise -- and he answered to me, "I have kept my promise and I told the camp doctor about your complaints."

Q Did he say whether or not Dr. Schmidt had said anything in reply to his report?

A He did not give me any explanation. He just told me that the errands had been made.

Q Now, when was the next time you had any communication with Dr. Schmidt, personally or in writing, after the one where you were told to limit your patients to 30 a day?

A It was a few days before the end of the Nordhausen camp.

Q Tell the court about that.

A I was called to the dispensary. Without any other explanation I was told to go up there. I had taken with me some sick to be bandaged. When I arrived at the dispensary, they told me that it was too early for the sick. They made me send the sick back and they told me that it was only to give me some orders concerning the death reports.

Q Whom do you mean, "they"?

A "They" -- Otto Korsdas, who was present. It was always Otto Korsdas who was the in between of Dr. Schmidt and myself. That day Dr. Schmidt was again seated at the table of the secretary. On that table were the last death reports which I had signed. Otto Korsdas showed them to me and he told me, "You should not put down as cause of death reasons such as mistreatments, lack of food, etcetera. You must indicate as cause

for death some sicknesses which are known in exact manner." There, again, there was nothing for me to answer. I could only obey.

Q Were you given any indication as to what -- or, any suggestions, rather, as to what diseases you should put down as the cause of death?

A Dysentery, pneumonia, and collapse -- that was the general term to explain what could not be explained.

Q Who had been making out the death reports for the prisoners who died in Block 7 while you were there?

A While I was there?

Q Yes.

A Myself.

Q And what causes of death had you been putting down in these death reports?

A Oh, it was some sort of bravado toward the SS; I had put down "mistreatments," "lack of foods," "colds."

Q What cause of death had you been putting down for those who were killed by the beatings on the head by the iron bar, before this interview that you just mentioned?

A Mistreatments.

Q Now, after the interview, what cause of death did you put down for the same sort of business?

A In a general way, I wrote "collapse."

Q Now, during this last talk you had with this Korzdas in the presence of Schmidt, did Dr. Schmidt have anything to say either to you or to Korzdas in your presence?

A Korzdas always spoke in the name of Dr. Schmidt, but one had gathered the feeling that Dr. Schmidt was completely uninterested in the matter.

Q What language did Korzdas use in talking to you?

A German.

Q During this conversation about the cause of death, did Dr. Schmidt say anything to you?

A Nothing in particular.

Q Did he say anything in general to you?

A Aside from the sentence which he told me one day -- "That is quite sufficient for what he has to do" -- he never spoke to me.

Q What was that sentence?

A The sentence which I just mentioned.

Q The sentence that Schmidt spoke to you?

A "That is quite sufficient for what he will have to do." Besides that, Dr. Schmidt was always very distant and arrogant.

Q How far was Dr. Schmidt standing -- or sitting, rather, from Korzdas and you while you were getting your instructions from Korzdas?

A Dr. Schmidt was behind the table. I was in front, 50 centimeters away, standing at attention, and Korzdas was slightly behind Schmidt on his left with his hands behind his back.

Q While you were there, did Dr. Schmidt say anything to Korzdas?

A I don't think that he said anything in particular concerning me in my presence. Besides, I had the occasion some other time of meeting him in the dispensary.

Q Meeting whom?

A Dr. Schmidt. But he just went there to walk around.

Q There was this?

A At the dispensary of the camp.

Q Now, what other contact or communication did you have with Dr. Schmidt, either orally or in writing?

A I had another order signed by Dr. Schmidt before my eyes

HEAD QUARTERS
7706 WAR CRIMES GROUP
EUROPEAN COMMAND
APO 407

Dachau, Germany
14 January 1948

C E R T I F I C A T E

I hereby certify that the absence of pages 2100 to 2999, inclusive, in the record of trial in the case of United States v. Kurt ANDRAE, et al., number 000-50-37, Military Government Court, tried at Dachau, Germany, 27 August 1947 to 30 December 1947, is due to an incorrect numbering of the pages of the record of trial in this case, and is not due to the omission of any evidence from the record of this case.

DAVID R. [illegible]
Lt. Col., AC
Law Member

Pages 2100 - 2999

while I was block doctor of Block 7. It was an order for a general disinfection of all the blocks of the sick building -- that is to say, Blocks 5, 6, 7 and the dispensary.

PRESIDENT: I didn't get that answer. Was that "disinfection" or "delousing"?

A Delousing.

Q Tell the court just exactly how that delousing was carried out and the results of it.

A The delousing which I mentioned caused 74 deaths in Block 7.

Q Tell the court the details of how it was carried out.

A The delousing machine, which was a rolling fumigating apparatus, arrived at the camp around 4 o'clock in the afternoon.

Q Was that apparatus on wheels like some kind of a truck?

A It was like a rolling kitchen but larger.

Q All right. Please continue.

A This machine which I mentioned arrived at the camp around 4 o'clock in the afternoon. All the prisoners, including the personnel of the blocks, minus the block eldests of course, had to take off their clothes completely, including the shoes for those who had some. They received the order to make a package of their clothes, on which they had to write their number in a visible manner. The order was carried out, and the room orderlies had to pick up the whole amount of the excelsior on which the sick were lying -- the sick who were incapable of moving by themselves. That excelsior had not been changed since the 3rd of March; that is to say that it had been there for at least three weeks. After all this excelsior had been gathered up, it was placed in front of the door in the yards. The room orderlies placed it in the yard, and the sick who were unable to move after having undressed themselves, or, after having been undressed, remained lying there on the cement. During

that time the three large doors of the block and all the windows of the block were opened wide.

PROSECUTION: I think this might be a good time to interrupt.

PRESIDENT: The court will recess for 15 minutes.

(Whereupon the court recessed at 1600 hours.)

* * *

(Whereupon the court reconvened at 1615 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present, except Colonel Benson, who is still absent, excused by the appointing authority; prosecution and defense are represented by counsel; all of the accused are present; the reporter and the interpreters are present.

At the end of the last session the witness Maubert was under direct examination.

PRESIDENT: The witness is reminded he is still under oath.

HENRY MAUBERT, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, continued to testify through a French interpreter as follows:

(Whereupon the proceedings were translated into the German language.)

DIRECT EXAMINATION (continued)

QUESTIONS BY PROSECUTION (continued):

Q At the end of the last session, Mr. Maubert, you had told the court about this order by Dr. Schmidt to disinfect all the people and had reached the point where the sick in Block 7 had been undressed and were lying on the bare floor of concrete. Will you take up from that point?

A Yes. I also said that the three doors had been opened wide and all the windows which were facing them or the other wall. During that time, a group of volunteers, who were chosen by the block eldest and the room orderlies as being the strongest, were told to sweep the -- most of

the dust which was on the ground. Those workers which I mentioned were completely naked, and this was during the month of March and it was terribly cold. Another group of workers who were completely naked also were told to take -- or, were told to carry packages with a hundred pieces of clothes in them to the disinfecting machine. Each package of a hundred pieces of clothing remained there approximately a half hour in the machine. Then it was taken back to the block and another one was placed in its place. Numerous airraid alerts were taking place at that time, and in the block, as soon as it got dark, there wasn't any more lights. About midnight, between two airraid alerts, a detail which was formed by some nurses from the dispensary went through the block and sprayed some disinfecting liquid.

Q How long did it take to complete the disinfection of the clothing of the prisoners in Block 7, beginning at the time the prisoners were required to undress or be undressed until the last man had received back his clothes?

A At reveille the total number of clothes were not back in the camp yet, and at morning roll call an important part of the prisoners were still without clothes, but around midnight they had received a disinfecting shower. They had part of the prisoners line up in a part of the block.

Q Now, wait just a second. You mean by that that, in addition to having the clothing disinfected, the prisoners themselves were deloused?

A Yes, with a disinfecting liquid.

Q Where did the delousing of the prisoners themselves take place?

A Inside the block which was opened to all winds.

Q How was this delousing of the prisoners' bodies accomplished?

A By giving them a shower with the liquid which was in the pump brought over by the detail of the dispensary.

Q How many prisoners could be deloused at one time?

A For those who could walk by themselves it was rather fast -- about an hour and a half.

Q How many were deloused at one time?

A One by one.

Q What did the prisoner have to dry himself with after he had been put under this delousing shower?

A Nothing.

Q How was the delousing of the people unable to go to the delousing show accomplished?

INTERPRETER ROLAND CARROLL: I couldn't follow you.

Q How was the delousing accomplished of those prisoners who could not go to the delousing shower?

A I said a while back that the pump was a pump which was on wheels and it was brought around to the prisoners which were lying down, and the same liquid was poured on them as the one that was poured on the other prisoners.

Q What was done to dry off the prisoners so deloused as they lay on the floor?

A Nothing, because the only blankets which remained in the block had been taken to the disinfecting machine.

Q Which were disinfected first, the clothes or the blankets?

A The clothes first, but the blankets remained at the foot of the disinfecting machine during the whole night.

Q Now, I come back to a question not yet answered, how long was it, how much time elapsed between the time the prisoners in Block 7 were undressed or undressed themselves and the time when the last man got his clothes back?

A From 5 o'clock in the evening until 7 o'clock in the morning, thus at least 14 hours.

Q During this period of 14 hours what did the prisoners of Block 7 have with which to cover themselves?

A Nothing.

Q Do you know whether or not the procedure followed with respect to Block 7 was different than--in any respect from the procedure used to delouse Blocks 6 and 5?

A At any rate, for Block 6 I can certify that the procedure employed was the same as for Block 5. I saw the clothes of the prisoners being brought down during the next day.

Q How long elapsed between the time the clothes of the prisoners of Block 5 were brought down before they were brought back?

A They got their clothes back during the night that followed.

Q How many hours elapsed between the time the clothes came down and the time the clothes went back up to Block 5?

A Approximately 8 to 10 hours.

Q During this 8 to 10 hours what clothing was worn by the prisoners in Block 5?

A None, just like us.

Q What blankets did the prisoners in Block 5 have to cover themselves with while their blankets were being deloused?

DEFENSE COUNSEL: If the court please, I would like to object to this line of questioning on what the procedure was as to Block 6 on the grounds that not a proper foundation has been laid to show that this witness was in a position to know what was going on in Block 6 during this delousing operation. It hasn't been shown that he was present. As far as he is testifying as much as he saw was the clothes go down and the clothes go up.

THE WITNESS: It is sufficient to spend quite a few months in a concentration camp in order to know that if the clothes were brought down the prisoners during that time did not have any clothes to replace those.

DEFENSE COUNSEL: I would like to request the court to instruct the witness that he should give answers only to questions put to him and to address his remarks only to questions put to him.

PROSECUTION: I think that was a natural mistake, may it please the court, and I was about to observe that the matter referred to by Major Poullada is something that he should take up in his cross examination. It is not a ground for objecting to the answers being given, and I ask the court's judgment.

PRESIDENT: The objection of the defense is overruled, and the witness may answer the question if he knows. In addition to that, the witness is reminded that he is to answer questions put to him by counsel or by the court and not to volunteer answers until the questions have been addressed to him.

PROSECUTION: May it please the court, I think he would be entitled to answer it even if he heard it on heresay.

PRESIDENT: It is intended for the witness to state his answer if he knows, if he has heard, but the source of his information should be specified.

QUESTIONS BY PROSECUTION:

Q You have testified that you were up in Block 5 frequently. Can you tell the court, based on your personal observations, how many sets of

clothing the prisoners in Block 5 had?

A I know very well the sick of Block 5 because out of the total number of sick there, I had seen it personally, there were between 400 and 500 of them there, and I knew exactly in what condition they were.

Q You still haven't answered my question. How many sets of clothing did the prisoners in Block 5 have?

A None. The ones who had a jacket and trousers did not have any shirt and shorts, and vice versa.

Q Were you in Block 5 at the time Block 5 was being deloused?

A I was there afterwards.

Q What was the effect on the prisoners of Block 7 of this delousing experience?

A The next morning there were at least 200 more prisoners who could not move, who were paralyzed, and there were 74 dead.

Q When was this "next morning"?

A After the night which the sick spent naked.

Q When you visited Block 5 immediately after Block 5 was deloused, did you talk with anybody there about their delousing experience?

A Yes, I had many personal friends in Block 5, and they told me in detail how the operation took place. It was exactly like in our place. After that operation the French doctor who was chief doctor of Block 5 caught pneumonia.

Q Can you give the court, on the basis of your personal observation some statistics of the death rate of Block 5?

DEFENSE COUNSEL: If the court please, I would like to object on the grounds of generality of the question. What periods, or during what period is he talking about--after the delousing, before the delousing, during the time he was there, when?

PROSECUTION: During the period from March 3 to April 4, 1945.

THE WITNESS: I cannot give any exact figures on the mortality of Block 5, but I can say that it was at least the same as our own block, because the dead of Block 5 had to pass in front of Block 7 in order to go to the morgue.

QUESTIONS BY PROSECUTION:

Q And this order to have this delousing operation, which you described to the court, was signed by whom?

DEFENSE COUNSEL: I would like to object to that on the grounds that the question has been answered--asked and answered. It is repetitious.

PROSECUTION: I would like to emphasize it.

DEFENSE COUNSEL: Then I would like to emphasize my point the objection is always raised, the question has been asked and answered.

PRESIDENT: The objection is sustained.

QUESTIONS BY PROSECUTION:

Q Were you in Boelke Kaserne during the air bombardments?

A Yes.

Q Describe these air bombardments insofar as they affected the prisoners in Block 7.

PROSECUTION: May it please the court, this will take a number of minutes to answer. May I suggest that we recess until tomorrow?

PRESIDENT: You may. The court will recess until 9 o'clock tomorrow morning.

(Thereupon at 1655 hours the court recessed until 0900 hours, 25 September 1947.)

* * * *

MILITARY GOVERNMENT COURT

CASE RECORD

VOLUME 32
Pages 3008 - 30[illegible]

CASE NO. 000-50-37

PROSECUTOR Lt. Col. W. Berman

*~~MILITARY~~
~~[illegible]~~
GENERAL

DEFENSE COUNSEL Major L. Poullada
Nelly Singer

INTERPRETERS Roland Carroll
Yolanda Keller

PLACE Camp Dachau, Germany

REPORTERS George Converse
Gloria M. Spears

DATE 25 September 1947

Mabel D. Holt
Eunice L. Hasdorff

WITNESSES

Peter L. DiCurti

HENRY MAUBERT

ACCUSED

ADDRESS SEX AGE

	FIRST CHARGE	SECOND CHARGE
PLEAS		Count Murder
FINDINGS		3021 ~~3022~~ 3028 3029 ~~3053~~
PREVIOUS CONVICTIONS		

IMPRISONMENT

(TERM
(
(BEGINNING 194

SENTENCE

AMOUNT
TO BE PAID BEFORE 194
FURTHER TERM OF IMPRISONMENT

FINE

CHARGE SHEET AND RECORD OF TESTIMONY ARE ANNEXED HERETO.

SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY

SIGNATURE OF REVIEWING AUTHORITY

*STRIKE OUT WORDS NOT APPLICABLE

RECORD OF TESTIMONY

in trial of

THE UNITED STATES versus ARTHUR RUDOLF ANDRAE, et al

by

GENERAL MILITARY GOVERNMENT COURT

tried at

CAMP DACHAU, GERMANY Beginning 7 August 1947

25 September 1947 Pages 3008 - 3066, Incl.

TESTIMONY

WITNESSES:	Direct	Cross	Redirect	Recross	Court
HENRY MAUSER	3008	3063			

EXHIBITS

No.	Description	Marked	Rec'd in Evidence
P-39	Photograph	3008	3016
P-40	Photograph	3008	3020
P-41	Photograph	3008	3021
P-42	Photograph	3008	3022
P-43	Photograph	3008	3023
P-44	Photograph	3008	3024
P-45	Photograph	3008	3025
P-46	Photograph	3008	3026
P-47	Photograph	3008	3027
P-48	Photograph	3008	3027
P-49	Photograph	3008	3028
P-50	Photograph	3008	3029
P-51	Two groups of photographs and affidavits	3030	3030
P-52	PHOTOGRAPH	3032	3033

DACHAU, GERMANY

25 September 1947.

MORNING SESSION.

(The court reconvened at 0900 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present, the prosecution and the defense are represented by counsel, all of the accused are present, the reporter and the interpreter are present. At the end of the last session the witness, Maubert, was under direct examination.

HENRY MAUBERT, called as a witness by the prosecution, having been previously sworn, resumed the stand and testified further through an interpreter as follows:

PRESIDENT: The witness is reminded he is still under oath.

(Prosecution Exhibits Nos. 39 to 50 marked for identification, being photographs.)

(Prosecution Exhibit No. 51, small mounted photographs, with the photographer's certificate, etc., attached, marked for identification.)

DIRECT EXAMINATION (continued)

QUESTIONS BY PROSECUTION

Now can you tell the court what the food was that was furnished to these sick people in Block 7. That is to include the period from March third to April the fourth.

A In the beginning we used to get 3/4ths of a liter of soup a day and ten grams of margerine a day. After the Ullrich transport left again we got twice bread.

Q Twice during what period of time?

A Ten days. 200 grams each time.

Q That is, during each ten day period you received three-quarters of a liter of soup, 10 grams of margerine daily?

A Yes.

Q And every ten days you got bread. How much bread?

A We got bread in the second period of ten days, 200 grams.

Q How much bread did you get the first ten days?

A None. We were given as an explanation that the food supply room for bread was empty.

Q Based on your personal observations, will you tell the court what food was furnished the prisoners in Block 5?

A They got exactly the same rations that we did. It was general ration for the entire camp.

Q What kind of soup was this?

A Potatoes and turnips but the vegetables had not been washed or peeled before.

Q What was the explanation given to you, did you say, when you asked for bread?

A We were told that the food supply room for bread was empty.

Q Do you know whether or not this explanation was the truth?

A What I know is on the day we had a bombing and one bomb fell on the food supply room for bread and hundreds and hundreds and hundreds of loaves of bread flew in the air at a great distance. Lots of prisoners tried to run around to pick up those loaves of bread and at the same time the SS went to these prisoners, kicked them and shot them.

Q Now were you present in Roelke Kaserne during the bombardments?

A Yes.

Q On what days did that take place?

A The first bombing happened on the third of March, at two o'clock in the afternoon.

Q You said the third of March; is that correct?

A No; it was on the third of April.

Q And when did the second take place?

A On the next day, at nine o'clock in the morning.

Q Just exactly where were you during the first bombardment?

A Inside of Block 7.

Q Was there an air alert before the actual bombardment took place?

A Yes. The sirens blew just while the first bombs fell down.

Q Did you leave Block 7 during the first bombardment?

A At the end of the bombing I tried to escape.

Q Where were you during the actual bombing itself?

A In Block 7.

Q Did you try to leave the block before the end of the bombardment?

A No!

Q What was the result of the first bombardment on Blocks 6, 7 and 5, no the hospital? If you know?

A We were strictly forbidden to leave the blocks and all doors had been locked.

Q By whom were you strictly forbidden to leave the blocks?

A The personnel of the block, the block eldest.

Q When you say all doors were locked, what doors do you mean?

A All the doors from which you had access on the square of the camp.

Q By square of the camp do you mean the area outside of the blocks themselves, the court yard?

A Yes, it was just in front of the Blocks 6 and 7.

Q Were any of the blocks besides 6 and 7 and the hospital hit during the first bombardment?

A Yes, block 5 had been destroyed and the roof of the blocks fell down on the sick people. There were almost no survivors.

Q When you say there were almost no survivors, what block are you referring to?

A I am speaking only of block 5.

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Q When you say there were almost no survivors what block are you referring to?

A I am speaking only of Block five.

Q Between the first bombardment and the second bombardment what happens if anything?

A During the night the SS were busy trying to kill the wounded and injured people who had tried to escape and who were trying to hide.

Q Did you see that yourself?

A Yes.

Q Tell the court what you---

A They shot at me when I tried to escape.

Q Tell the court in some detail just what you saw during that night, that is during the period between the first and second bombardment?

A At the first bombing the hospital itself had not been touched. The French physician Normand, the clerk of the block, a Pole, a Russian and another Russian medic, we tried to save some of the people who had been injured.

Q There were these injured people whom you tried to save?

A In block three and four which were outside of our enclosure.

Q Now come down to the second bombardment. Describe that.

INTERPRETER: The witness would like to add something else. He was not finished.

A The hospital had not been touched but we couldn't find any medicaments or bandages in any of the lockers. The only medicament we could find in great quantity were vitamin pills and of course we couldn't use it. That was no medicine for any of the people. Some of them had absolutely open legs.

Q During this period when you were trying to save some of the wounded when you were going through the revere that you have been talking about where (Maubert-direct)

pld-319-2

was the accused Doctor Schmidt, if you know?

A He was not--in any case he was not in the camp.

Q By camp, what area are you talking about?

A I mean the whole camp of Nordhausen. He wasn't together with the prisoners.

Q During the entire period beginning with the beginning of the first bombardment through the end of the second bombardment did you see him at all?

A No, never.

Q Outside of the group which you had sent to see what assistance was rendered to the prisoners in blocks five, six, seven and the hospital during the period covered by these bombardments?

A Nothing.

Q Now describe briefly the second bombardment?

A There was no alert before the second bombardment.

Q How about the doors that you talked about before, the exits from block five, six, seven and the hospital to the courtyard? How about those doors during the second bombardment?

A Most of them had been blown by the bombs.

Q In which bombardment?

A The first bombing. Most probably if they wouldn't have been locked there wouldn't have been such a great number of wounded people during the first bombing and the windows had been closed too and some of the people were injured by the glass which broke.

Q Come down to the second bombardment?

A It started at nine o'clock in the morning and lasted only for a few minutes.

Q What happened to blocks five, six, seven and the revere?

A The hospital was hit and also block six. A bomb fell on block six

(Mauber-direct)

pld-319

and landed at the bottom of the wall opposite the yard of the camp. Block seven was hit by two bombs on the wall opposite the yard of the camp also. The SS had completely lost their head.

Q Yes, go ahead.

A The prisoners tried to escape from the camps and tried to get into the barracks of the kaserne. Air raid shelters had been installed there in these barracks. The kitchen was also hit and also one of the supply rooms-- not the one which had been touched previously.

Q What happened to the prisoners in these blocks as a result of the second bombardment?

A Most of them had not the strength to escape and the ones who remained in the blocks lying down near the wall were safe.

Q What happened to you?

A But all the people were lying in the middle of the blocks and they were hit by bomb shells or by stones.

Q What happened to you?

A Together with some comrades we managed to lift the floor of one of the former supply rooms of the garage.

DR. KUBUSCHOK: I think the witness said the grease pit did he not?

INTERPRETER: The oil pit.

THE WITNESS: And there was one third of water in this pit and so we sat in this pit and we watched the entire bombing.

Q After the bombardment was over where did you go?

A When the bombs almost stopped falling down I left the camp.

Q Did you later return?

A Yes, together with the American forces which I had met seven days after I had escaped at the distance of 70 kilometers from Nordhausen.

(Maubert-direct)

pld-319

Q What day was it that you returned with portions of the American Army to Boelke Kaserne?

A On the 13th of April.

Q Were you present there when photographs were taken of the place?

A Yes. The Americans even asked us if we could recognise some of the comrades among the dead people but they had been in the open for a period of ten days and they were not to be recognized.

PRESS COUNSEL: If it please the court, may we have a recess in place for about three minutes to read this?

PRESIDENT: The court will recess in place.

(Thereupon the court recessed in place.)

PRESIDENT: The court will be in order.

Off the record.

(Off the record discussion.)

PROSECUTION: I ask you to take a look at a set of pictures which have been marked Prosecutions exhibits for identification P-39 to P-80 both inclusive and ask you to examine them? Will you look them over one by one?

A This picture---

Q Just a second please. I want you to look at them all first and then I will ask you questions.

Have you examined each and every one of them?

A Yes.

Q Are the scenes depicted in each of those pictures familiar to you? Do you recognise them?

A Yes.

Q I will show you first what has been marked Prosecutions exhibit P-39 for identification and ask you to tell the court what that picture represents?

A This picture has been taken from the gasoline station

(Maubert-direct)

Q Where was the gasoline station? What did you say the picture represents?

A It is the yard in front of the block eight or six and seven between the gasoline station and the fence at the end of the block.

PRESIDING JUDGE: Wait a second please. The witness used the term "Barier". Does that literally translate as fence?

INTERPRETER: That is a barrier. It is a fence.

Q By "Barier" are you referring to the barbed wire fence mentioned by you in your previous testimony?

A Yes.

Q Now looking at that picture on the left hand side. What are those pictures which appear on the lefthand side of the picture?

A Block six, block seven and the staircase leading up to the hospital at the end of the road.

Q Will you take this pencil and mark with an "X" where the staircase is that goes up to the hospital? Perhaps you had better use ink. You had better mark it with ink, it will show better.

What is at the end of the arrowhead on that arrow? Is that the staircase you are referring to?

A The door of the hospital. This door was about one meter twenty wide.

Q Where is the staircase you are talking about?

A Inside.

Q Inside of the door you marked?

A Yes. I could make a sketch if the court so desires.

Q What are these buildings on the righthand side, outside that fence?

A They were the SS barracks where the civilian workers were billeted.

Q Have you any idea how many dead people were found, prisoners, were

found by the American troops when they came in with you that day or when you came in with them?

A A little bit more than three thousand.

Q Was there an actual count made at that time, do you know?

A Yes, they were counted.

PROSECUTION: The prosecution now offers its Exhibit P-39, this picture, which has previously been marked P-39 for identification only and asks that it be received in evidence and made a part of the record.

DEFENSE COUNSEL: If it please the court, I realize that under the liberalized rules of evidence that we are operating here it would be just a consumption of time to voice any legal objection to any of these pictures since they are all admissible into the record for what probative value they may have, therefore I will not do so.

I will make this objection. He was not actually present when this picture was taken and I would also like to point out that this is a picture which was taken after a very severe bombing in this place and would ordinarily be completely irrelevant insofar as the condition of these people could not certainly be ascribed to any of the accused in this case.

PROSECUTION: Perhaps I can clear up part of the objection.

PRESIDENT: Just a minute Colonel. You have offered that picture I understand?

PROSECUTION: Yes, but I was going to ask a few questions to meet the objection by the defense. The witness has already said on the record that he was present when the pictures were taken.

PRESIDENT: Off the record.

(Off the record discussion.)

PRESIDENT: Prosecutions Exhibit P-39 will be admitted to the record for such probative value as the court may see fit to give it.

(The document previously marked as Prosecutions Exhibit P-39 for identification was received in evidence and Marked as Prosecutions Exhibit P-39, is attached hereto and made a part of the record.)

PRESIDENT: The court will recess for 20 minutes.

(Whereupon the court recessed at 1000 hours.)

(Whereupon the court reconvened at 1630 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present, the prosecution and the defense are represented by counsel, all of the accused are present, the reporter and the interpreters are present.

At the end of the last session the witness Laubert was under direct examination.

PRESIDENT: The witness is reminded he is still under oath.

HENRY LAUBERT, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, continued to testify through a French interpreter as follows:

DIRECT EXAMINATION (continued)

QUESTIONS BY PROSECUTION (continued):

Q What was the name of the American organization, if you know, with which you entered Nordhausen after your return?

A It was a regiment of Sherman tanks of the Third Armored Division of the First American Army.

Q Now, calling your attention to Prosecution's Exhibit F-38 again, will you describe to the court just how close to Blocks 6 and 7 that fence is on the other side not shown in the picture?

A (Indicating) Here?

Q On the side where you can't see it. On the side not shown in the picture.

A Three meters.

Q These Blocks 6 and 7 and Block 5 and the hospital -- were they more than one building or did they all together comprise one structure?

A Only one building.

Q Can you tell the court the approximate dimensions of that building? If you don't know the exactly, give them approximately.

A Between 100 and 120 meters long by 18 to 20 meters wide.

Q How many stories?

A The ground floor and one story -- floor.

Q Now, will you describe to the court the roof on this big building? First, the shape of it.

A It was a rather high roof with a double slant.

Q Can you tell the court the material of which this roof was built?

A Yes, a part of the carpentry work was made out of wood, and that carpentry work was visible from the dispensary itself.

Q Now, prior to the bombardment, did you have an opportunity to see that roof?

A Yes, several times, because we had numerous occasions to watch the airplanes which were passing by.

Q Now, you said that roof slanted on two sides. Were you able, before the bombardment, to see both sides of the roof?

A No, I could only see the side which faced on the yard.

Q And by the yard, do you refer to this open space which appears on the picture, Prosecution's Exhibit P-39?

A Yes.

Q Why, before the bombardment, were you unable to see the other side of the roof?

A Firstly, because I never went to the other side of the building and even if I had gone there, the fence was too close to the wall.

Q Did you have the occasion or an opportunity to see that other side of that roof after the bombardment?

A Yes, I saw what was left of it.

Q Now, will you tell the court whether that roof had any markings or it whatsoever to indicate that this building was a hospital?

A No, in no way at all.

Q Was there any marking of any kind on that roof?

A There wasn't any marking on any of the roofs on any of the buildings of the kaserne.

Q Now, I am not talking about the kaserne; I just want to ask you about the building that housed Blocks 5, 6, and 7, and the hospital. Was that roof marked in any way whatsoever?

A I will give the following precision: that there wasn't any marking at all on the building where the Blocks 5, 6, 7, and the dispensary were located, but when I speak about the kaserne, I mean the whole of the buildings which formed the Boelke Kaserne. And I will say again that the total number of those buildings were occupied either by prisoners or by civilian employees. It is not civilian employees -- it is free foreign workers.

Q Did you have an opportunity to see the roofs of the buildings in addition to the building containing these blocks?

A Yes, it was very easy.

Q I now show you a photograph which has been marked Prosecution's Exhibit P-40 for identification and ask you if you have seen that scene, and recognize it.

A Yes, this is the cemetery which the Americans had dug in order to bury the dead of the Boelke Kaserne. This cemetery was exactly located under the military hospital of Nordhausen.

PROSECUTION: Prosecution offers as its Prosecution Exhibit P-40 a photograph previously marked Prosecution's Exhibit for identification P-40 and asks that it be received in evidence and made a part of the record.

PRESIDENT: Prosecution's Exhibit P-40 will be admitted to the record for such probative value as the court may see fit to give it.

(The photograph heretofore marked Prosecution's Exhibit P-40 for identification was received in evidence as Prosecution's Exhibit P-40, is attached hereto and made a part of the record.)

Q I now show you what has been marked Prosecution's Exhibit P-41 for identification and ask you if that scene is familiar to you or if you recognize it.

A Yes.

Q Can you tell the court where that scene is?

A What I remember perfectly is the presence of that naked body and of that burned body, one next to the other.

Q Where was the picture taken? Where is the scene?

A Between Blocks 6 and 7, in the yard.

DEFENSE COUNSEL: Do I understand that the witness was present when this photograph was taken?

PROSECUTION: I didn't ask him that. I asked him if he recognized the scene.

DEFENSE COUNSEL: I will object to that just for the record on the grounds of improper authentication.

PROSECUTION: The prosecution offers as its Exhibit P-41 what has previously been marked Prosecution's Exhibit P-41 for identification only and ask that it be received in evidence and made a part of the record.

PRESIDENT: Prosecution's Exhibit P-41 will be admitted to the record for such probative value as the court may see fit to give it.

(The photograph heretofore marked Prosecution's Exhibit P-41 for identification was received in evidence as Prosecution's Exhibit P-41, is attached hereto and made a part of the record.)

Q I now show you what has been marked Prosecution's Exhibit P-42 for identification only and ask you if you recognize the scene portrayed by that picture.

A Yes, that is still the cemetery where the dead of the Boelke Kaserne were placed. There were several rows of ditches on the slope of the hill.

PROSECUTION: Prosecution offers as its Exhibit P-42 this picture which has previously been marked Prosecution's Exhibit P-42 for identification only and asks that it be received in evidence and made a part of the record.

DEFENSE COUNSEL: For the record, I will voice the same objection, that the picture is not properly authenticated -- improper foundation. The witness has not testified that he was present when the photograph was taken.

PRESIDENT: Prosecution's Exhibit P-42 will be admitted to the record for such probative value as the court may see fit to give it.

(The photograph heretofore marked Prosecution's Exhibit P-42 for identification was received in evidence as Prosecution's Exhibit P-42, is attached hereto and made a part of the record.)

Q I now show you what has been marked Prosecution's Exhibit P-43 for identification only and ask you if you recognize the scene in that picture.

A Yes.

Q Where is the place shown in that picture?

A In front of Block 7, about 5 meters away from the fence which separated our blocks from the rest of the camp.

PROSECUTION: Prosecution now offers as its Exhibit P-43 what has previously been marked P-43 for identification only and asks that it be received in evidence and made a part of the record.

DEFENSE COUNSEL: For the record, I would like to object on the grounds that the photograph is not properly authenticated, the witness not having been present, as far as his testimony shows, at the time that the photograph was taken, and the further grounds that the caption on the back of the picture contains inflammatory propaganda material which is intended to prejudice the court, that the statements on the back of the picture are not under oath and, therefore, should not be admitted as evi-

dence.

PROSECUTION: This court has the right to receive any statement, under oath or not, and give it such probative value as the court deems fit.

PRESIDENT: Prosecution's Exhibit P-43 will be admitted to the record for such probative value as the court may see fit to give it.

(The photograph heretofore marked Prosecution's Exhibit P-43 for identification was received in evidence as Prosecution's Exhibit P-43, is attached hereto and made a part of the record.)

Q I now show you a picture, previously marked Prosecution's Exhibit for identification P-44, and ask you if you can identify the scene in that picture.

A That is still the cemetery. And I want to give the following precision: that the pits remained opened for three days in a row and that the bodies were covered with bed sheets before earth was thrown on them.

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PROSECUTION: The prosecution now offers as its exhibit P-44 this picture previously marked P-44 for identification only, and asks that it be received in evidence and made a part of the record.

DEFENSE COUNSEL: The defense makes the same objection on the grounds of improper authentication.

PRESIDENT: Prosecution exhibit P-44 will be admitted into the record for such probative value as the court may see fit to give it.

(The document heretofore marked Prosecution Exhibit 44 for identification was received in evidence as Prosecution Exhibit 44, is attached hereto, and made a part of the record.)

PROSECUTION: I now show you Prosecution's exhibit marked for identification P-45 and ask you if you can identify this picture. Tell the court where it was taken.

THE WITNESS: I can't locate this picture exactly.

PROSECUTION: Well, may it please the court, I offer it, nonetheless, on the basis of a certificate which appears on the back of it, and the signature which appears on the back of it.

DEFENSE COUNSEL: If the court please, I would like to object to this on the grounds of the improper authentication, not being recognized by this witness and on the further grounds that the certificate of the prosecution is a certificate of the censor, not of the person taking the picture.

PROSECUTION: And in connection with that, may it please the court, I would like to refer to a certificate by the man who took the picture. I have the certificate here of the officer who took the picture and the certifying officer that he saw the man who took it, and this is the blow-up of that picture--but it is exhibit P-31. Do you still object to it?

DEFENSE COUNSEL: There is only one difficulty, if the court please, this certificate is not by the person taking the picture, but by an officer who says a man came up to him four days later and showed him certain pictures

and told him that he had taken them. It is not by the photographer--I believe you will see that if you read it. I would just like to object to it for the record. I realize it is all admissible for what probative value it has.

PROSECUTION: I need the judgment of the court.

PRESIDENT: Will you offer it?

PROSECUTION: Yes, if I haven't, I meant to. The prosecution offers as its exhibit P-45 the picture previously marked P-45 for identification and asks that it be made a part of the record.

PRESIDENT: Prosecution exhibit P-45 will be admitted into the record for such probative value as the court may see fit to give it.

(The document heretofore marked Prosecution Exhibit 45 for identification was received in evidence as Prosecution Exhibit 45, is attached hereto, and made a part of the record.)

DEFENSE COUNSEL: For the record, I should like to request that sometime before the prosecution finishes putting all the pictures into evidence that this certificate upon which this particular exhibit is admitted be read to the court. I assume that he will do so, but it is a request at this time.

PROSECUTION: I will say that I will offer it into evidence.

QUESTIONS BY PROSECUTION:

Q I now show you what has been marked prosecution exhibit P-46 and ask you if you can identify the scene in that picture.

A It is very familiar to me. It is still the crematory. And I want to say that I spent several days there in order to try and find out where some comrades were being buried.

PROSECUTION: There is no comment on the back of it, but it has the usual comment. The prosecution offers as its exhibit P-46 this picture previously marked P-46 for identification only and asks that it be received into evidence and made a part of the record.

DEFENSE COUNSEL: The same objection, for the record, is voiced, on the grounds of improper authentication.

PRESIDENT: Prosecution Exhibit P-46 will be admitted into the record for such probative value as the court may see fit to give it.

(The document heretofore marked Prosecution Exhibit 46 for identification was received in evidence as Prosecution Exhibit 46, is attached hereto, and made a part of the record.)

QUESTIONS BY PROSECUTION:

Q I show you now what has been marked Prosecution Exhibit P-47 and ask you if you recognize the scene and can tell the court what is represented by that picture?

A Yes. That picture shows the same yard as the one shown on the first picture, but it was taken from the opposite side.

Q Now, you notice in that picture the bodies there have certain clothing on them. Can you tell the court whether or not the clothing on those bodies is the same or differs in any way from the clothing they wore while they were alive and prisoners?

A Yes. Those are the clothes we all wore.

Q Can you tell the court where those bodies were taken from--what building?

A Yes. And I can also tell the court that the negative of this picture was reversed when it was reproduced.

Q From what buildings were those bodies taken?

A Blocks 6, and 7, and Block 5.

PROSECUTION: I now offer as Prosecution Exhibit P-47 what has been previously marked Prosecution Exhibit P-47 for identification only, and ask that it be received in evidence and made a part of the record.

DEFENSE COUNSEL: For the record, I would like to voice the same objection on the grounds of improper authentication and on the further ground

that the exhibit contains descriptive material not under oath which is of an inflammable and propaganda nature and calculated to influence the court.

PRESIDENT: Prosecution Exhibit P-47 will be admitted into the record for such probative value as the court may see fit to give it.

(The document heretofore marked Prosecution Exhibit 47 for identification was received in evidence as Prosecution Exhibit 47, is attached hereto, and made a part of the record.)

QUESTIONS BY PROSECUTION:

Q I now show you what has been marked Prosecution Exhibit P-48 for identification only and ask you if you recognize that?

A Yes, that is still the cemetery. And in relation to the picture which has been shown to me, the military hospital was above and on the right hand side.

PROSECUTION: The prosecution offers as its exhibit P-48 this picture previously marked P-48 for identification only and asks that it be received into evidence and made a part of the record.

DEFENSE COUNSEL: For the record, we voice the same objection on the grounds of improper authentication.

PRESIDENT: Prosecution Exhibit P-48 will be admitted into the record for such probative value as the court may see fit to give it.

(The document heretofore marked Prosecution Exhibit 48 for identification was received in evidence as Prosecution Exhibit 48, is attached hereto, and made a part of the record.)

QUESTIONS BY PROSECUTION:

Q I now show you what has previously been marked Prosecution Exhibit P-49 for identification only and ask you if you recognize that picture and can tell the court what scene is represented in it?

A This picture was taken in Block 6 in the left hand corner at the far end of the block.

Q The people shown in this picture, who are they?

A This picture shows one of the cages of Block 8 of which I spoke. And the individuals lying there are a few samples of the sick who were in Block 8.

Q What is that material which appears on the floor upon which these people are lying?

A It was a mixture of wooden straw and fecal matter.

PROSECUTION: I would like to ask the court to ask the interpreter what "wooden straw" means--that is a different interpretation of this word that has been made.

INTERPRETER: Excelsior.

PRESIDENT: Do you mean "excelsior" by the term "wooden straw"?

INTERPRETER: Yes, Sir.

QUESTIONS BY PROSECUTION:

Q And the clothing worn by these people on this picture, is that the same kind of clothing which you yourself wore?

A Yes, exactly.

PROSECUTION: The prosecution now offers as its exhibit P-49 this picture previously marked P-49 for identification only and asks that it be received into evidence and made a part of the record.

DEFENSE COUNSEL: I would like to voice the same objections on the ground of improper authentication and prejudicial matter which is not under oath in the text.

PRESIDENT: Prosecution Exhibit P-49 will be admitted into the record for such probative value as the court may see fit to give it.

(The document heretofore marked Prosecution Exhibit 49 for identification was received in evidence as Prosecution Exhibit 49, is attached hereto, and made a part of the record.)

QUESTIONS BY PROSECUTION:

Q I now show you what has been marked Prosecution Exhibit P-50

and ask you if you can identify the scene in this picture and tell the court what it represents and where it was taken?

A It is still in Block 6, and the man who is lying down there is one of the numerous sick people of Block 6. They were always in that condition. The sick people often weighed less than 30 kilograms and my personal weight when I left Nordhausen was 30 kilograms.

Q Just a minute, please. What is this material which appears in the lower left hand corner of this picture?

A It is still the same excelsior and the same mixture of fecal matter. It was impossible to close the windows in Block 6 because as soon as the windows were closed the oder was absolutely unbreathable.

PROSECUTION: The prosecution offers as its exhibit P-50 what has been previously marked P-49 for identification only and asks that it be received in evidence and made a part of the record.

DEFENSE COUNSEL: The defense voices the same objection on the ground of improper authentication and on the grounds of the text material attached to the exhibit is not even signed and not under oath, and it is prejudicial matter.

PRESIDENT: Prosecution Exhibit P-50 will be admitted into the record for such probative value as the court may see fit to give it.

(The document heretofore marked Prosecution Exhibit 50 for identification was received in evidence as Prosecution Exhibit 50, is attached hereto, and made a part of the record.)

PROSECUTION: The prosecution now offers into evidence what has previously been marked Prosecution Exhibit for identification P-51. It is made up of two sets of pictures. The second set bears the affidavit of the photographer. The first set does not bear the affidavit of the photographer but does bear an affidavit by a major of the Judge Advocate General's department who was commanding officer of the War Crimes Investigating Team, which says in effect that he has given the pictures, the first set by a photographer

of the Army Pictorial Service whose name he doesn't remember, and they have been added by him to his report on the investigation of this particular case, and the prosecution requests that both sets which are stapled together be received into evidence as Prosecution Exhibit P-51 and made a part of the record. But might I add as a final statement, the first set refers to Boelke Kaserne itself. The second set is pictures of Dora.

DEFENSE COUNSEL: The defense has no objections to the second set, being the pictures of Dora, which are properly authenticated by the photographer who took the pictures, but voices an objection to the first set on the grounds of improper authentication insofar as there is no certificate attached to them by the individual who took the pictures himself.

PRESIDENT: Prosecution Exhibit P-51 will be admitted into the record for such probative value as the court may see fit to give it.

(The document heretofore marked Prosecution Exhibit 51 for identification was received in evidence as Prosecution Exhibit 51, is attached hereto, and made a part of the record.)

PRESIDENT: Prosecution Exhibits 39 to 51, inclusive, will be shown to the accused during a recess of the court and the defense will report to the court when that is completed.

DEFENSE COUNSEL: The defense will do so.

Q I now hand you Prosecution Exhibit 51 and call your attention to one picture in it which bears the name of Fulton C. Fowler, and the additional writing "Exhibit 87". Will you tell the court if you recognise that picture and can you tell the court what that picture represents.

A Yes. This picture shows the morgue of the Nordhausen camp, the morgue of the Boelke Kaserne of Nordhausen.

Q What is this structure that you can see parts of on the top of the picture?

A Completely on the left, that is the stairs which went up to the dispensary.

Q Now I hand you again Prosecution Exhibit 39 and call your attention to that part of it which you marked with an arrow, which you said shows the entrance to the stairs. Is that stairway which you mentioned in connection with Prosecution Exhibit 39 the same stairway you are referring to in that picture you are looking at bearing the name of Fulton C. Fowler, which is part of Prosecution Exhibit 51?

A Yes. When one went in through the door which I have marked with an arrow on Prosecution Exhibit 39, one was in a small room which was about two meters by three meters, the beginning of the stairway was at the very end of that room, across the way from the door, and the morgue was underneath the stairway and was isolated by a wall and a wooden door. Picture of F-51 shows the morgue and at the time of the bombings the bodies had not been removed for about eight days.

Q You mean by that this picture represents the morgue before the bombing or after the bombing?

A Before the bombing, nobody could have taken the picture. The picture was taken after the bombing, but they show the bodies which were there since before the bombing. When the first bombing took place on the third of April we had some bodies in Block 7 who were there since four or five days, because there wasn't any more room in the morgue. One of the

dead of the camp stayed in the morgue more than fifteen days because they couldn't find his serial number and he could not be buried without his serial number. Finally when they succeeded in sending him to Dora bearing a false serial number, he was completely green.

Q I now show you another portion of Prosecution Exhibit 51 and this bears the mark"Ex. 89". Tell the court very briefly if you recognize that.

A I cannot say the exact place of the camp but it was also taken in Nordhausen in the sick blocks.

Q I show you another one marked "Ex. 91", a part of Prosecution Exhibit 51. Do you recognize that?

A Yes. This was the inside of Block 6, the left angle at the far end.

(A photograph was marked Prosecution Exhibit 52 for identification.)

Q I now show you what has been marked Prosecution Exhibit No. 52 for identification and ask you if you can identify that?

A Yes, that is also the inside of one of the Nordhausen blocks.

Q Which one?

A The presence of some tin cans on the left corner at the top of the picture makes me think that that is Block 7, because we ate our soup in those tin cans.

Q The Prosecution offers as its Exhibit No. 52 this picture, previously marked P-52 for identification only, and asks that it be received in evidence and made a part of the record.

DEFENSE COUNSEL: For the record the defense voices the same objection, not authentic and prejudicial matter, unsigned and no affidavit attached.

PRESIDENT: Prosecution's Exhibit No. 52 will be admitted to the record for such probative value as the court may see fit to give it.

PROSECUTION: Prosecution has nothing further from this witness at this time.

(Maubert - direct)

dead of the camp stayed in the morgue more than fifteen days because they couldn't find his serial number and he could not be buried without his serial number. Finally when they succeeded in sending him to Dora bearing a false serial number, he was completely green.

Q I now show you another portion of Prosecution Exhibit 51 and this bears the mark "Ex. 89". Tell the court very briefly if you recognize that.

A I cannot say the exact place of the camp but it was also taken in Nordhausen in the sick blocks.

Q I show you another one marked "Ex. 91", a part of Prosecution Exhibit 51. Do you recognize that?

A Yes. This was the inside of Block 6, the left angle at the far end.

(A photograph was marked Prosecution Exhibit 52 for identification.)

Q I now show you what has been marked Prosecution Exhibit No. 52 for identification and ask you if you can identify that?

A Yes, that is also the inside of one of the Nordhausen blocks.

Q Which one?

A The presence of some tin cans on the left corner at the top of the picture makes me think that that is Block 7, because we ate our soup in those tin cans.

Q The Prosecution offers as its Exhibit No. 52 this picture, previously marked P-52 for identification only, and asks that it be received in evidence and made a part of the record.

DEFENSE COUNSEL: For the record the defense voices the same objection, not authentic and prejudicial matter, unsigned and no affidavit attached.

PRESIDENT: Prosecution's Exhibit No. 52 will be admitted to the record for such probative value as the court may see fit to give it.

PROSECUTION: Prosecution has nothing further from this witness at this time.

(Maubert - direct)

(The document heretofore marked Prosecution Exhibit No. 52 for identification was received in evidence as Prosecution Exhibit No. 54, is attached hereto, and made a part of the record.)

PRESIDENT: Will the defense include exhibit 52 in the exhibits to be shown to the accused?

DEFENSE COUNSEL: The defense will do so.

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL

Q Now it is a fact, is it not, that in the barracks of the Boelke Kaserne there were large numbers of workers who had been imported from the east?

A The prisoners, or free workers?

Q So-called free workers; yes.

A Yes, that is correct. But they were not located in the same camp as us. The concentration camp of the Boelke Kaserne--and I want to emphasize concentration camp--was in the SS garages and the free workers occupied the buildings of the soldiers, the buildings which were formerly occupied by the soldiers located on the one hand between the garages and the railroad tracks and on the other hand between the garages and a marmalade factory.

Q To your knowledge, were there any other prisoners in any other part of Boelke Kaserne, that is to say, of the so-called convalescent blocks or in the hospital?

A Yes, Blocks 3 and 4, which were on the other side of the fence of the sick building, but they numbered about five or six hundred. And they slept in beds with straw mattresses.

Q Were there any working prisoners in Blocks 6 or 7? Did any of these prisoners go to work on any detail?

A Besides the personnel of the blocks, none of them worked, and none of them were in any condition to do any work.

Isn't it a fact that as a result of the bombings some of the prisoners in Blocks 3 and 4 were killed, and also some of the so-called free workers from the east, were killed?

A Blocks 3 and 4 were hit by the very first bombing, as also a few of the barracks of the free workers. But as far as the barracks of the free workers is concerned, they had some air raid shelters and only a few of those workers were killed.

Q You stated to the court that you escaped during the second bombing; is that correct?

A Yes. At the end of the second bombing.

Q How do you know, then, who was killed as a result of that second bombardment?

A I have just said that I escaped at the end of the second bombing.

Q Well, now, did you, before you escaped, go and inspect these barracks where the civilian workers were housed to see who had been killed and who had not?

A No, but I met some workers later, out in the German countryside, who included two Frenchmen and two French women, who told me that only a few of the civilian workers had been killed.

Q So your knowledge as to the number of casualties among those civilian workers is obtained only by hearsay; is that correct?

A Absolutely; I had no relations with the civilians.

Q Was the prisoner Hans Maierhofer, whom I believe you identified although perhaps not by name, whom you identified here as in the prosecution, as having been in Block 6, was he already in Block 6 when you arrived at the Boelke Kaserne?

A I cannot say for sure that I saw him when I arrived in Block 6, but I can certify that I saw him after the departure of the Milton transport; that is to say, on the 6th of March.

(Hubert - cross)

-3034-

Take 322 - Nordhausen
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Q Why did you not go with the transport with which you came, when it left Nordhausen?

A Does the defense want me to tell the story?

Q If you will please tell the court the reasons why, without going into a long story; yes.

A The Nordhausen camp was for me the fifth camp. Every time we had changed camps we found ourselves worse off in the one where we arrived. When the SS entered the barracks and started to shout, "Raus, raus!", and formed the transport, rumor started to circulate, just like many rumors went around concentration camps, that all the occupants of Blocks 6 and 7 were supposed to go on a new transport. The fact that I had stayed three days in the Nordhausen camp and the fact that I knew that every time that I had changed camps I found myself worse off than before gave me the strong will of wanting to escape from a new transport. It was a simple intuition and I think it was not bad, because right now I am the only living Frenchman of the Ellrich transport of the third of March.

PRESIDENT: The court will recess until 1330 hours.

(Whereupon the court recessed at 1200 hours.)

pld-324-1

AFTERNOON SESSION

(Thereupon at 1330 hours the court reconvened.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present, the prosecution and defense are represented by counsel; all of the accused are present; the reporter and interpreters are present.

At the end of the last session the witness Maubert was under cross examination.

PRESIDENT: It will be noted in the record that Colonel Benson has read that part of the record covering the time he was out of court on the 24th of September.

The witness is reminded that he is still under oath.

HENRY MAUBERT, called as a witness by the prosecution, being reminded that he was still under oath, resumed the stand and testified further through an interpreter as follows:

DEFENSE COUNSEL: I would like to announce for the record that so far as the defense is concerned we have no objections to the witness Mueller being permanently excused.

PRESIDENT: It will be so noted in the record that the witness Mueller is permanently excused.

DEFENSE COUNSEL: I also would like to announce for the record that Prosecutions Exhibits P-39 through P-52 have been shown to the accused.

PRESIDENT: It will be so noted.

CROSS-EXAMINATION, continued

QUESTIONS BY DEFENSE COUNSEL:

Q You have told the court that you remained behind when the transport which had come from Ellrich left Nordhausen?

A Yes.

Q Now after the transport left and you remained behind who was occupying blocks six and seven if anyone?

A I already said in my testimony that the block seven was occupied by

(Maubert-cross)

the block personnel of about 60 or 70 persons--50 to 60 persons. As for Block six I have already said that it was located in the three cages which were at the far end of the block. There were approximately 50 to 60 sick people in each cage and there were a maximum of 200 people for the three cages.

Q Do you recall the arrival of the transport from Harzungen which arrived in Nordhausen on or about the 25rd of March?

A At least two transports in trucks arrived in Nordhausen from Harzungen. The first of those two transports arrived--I think I indicated that already on the 10th, 11th or 12th of March.

Q Where were the people from that transport housed, if you know?

A The people from those transports were housed in Blocks six and seven as soon as they arrived.

Q When did the second transport arrive from Harzungen to the best of your recollection?

A A few days later and it is not possible for me to say exactly how many days later.

Q Do I understand you then to want to testify before this court that after the arrival of this transport from Ellrich on or about the 3rd of March at no time were Block six and seven empty until the bombing?

A Am I asked if I can certify that the blocks never remained empty?

Q Yes, that is what you are being asked.

PROSECUTION: I pray the court's judgement. The dates should be specified.

DEFENSE COUNSEL: I thought I specified the date.

PROSECUTION: Not in the second question.

DEFENSE COUNSEL: Well I will ask you again.

Q At any time starting the date which you have said is approximately

(Maubert-cross)

the sixth of March when the transport which had come from Ellrich left Nordhausen until the final bombing at any time during that period were block six or seven empty?

A The Blocks six and seven between the 6th of March and the 4th of April never were completely empty.

Q How do you recall the invalid transport composed almost completely of tubercular patients who came from Dora?

A Yes.

Q When did that arrive to the best of your recollection?

A About the same time as the first transport from Marsungen. Several transports of sick people arrived from Dora.

Q Will you tell the court to the best of your recollection from what date to what date these transports arrived?

SERGEANT OF THE GUARD: Excuse me sir, but I have to return with my prisoners to the bunker.

PRESIDENT: The court will recess until 1500.

(Thereupon at 1350 hours the court recessed.)

(Thereupon the court reconvened at 1330 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all the members of the court are present; the prosecution and the defense are represented by counsel; all of the accused are present; the reporter and interpreter are present. At the end of the last session the witness, Maubert, was under cross examination.

HENRY MAUBERT, called as a witness by the prosecution, resumed the stand, and being reminded that he was still under oath, testified further through an interpreter as follows:

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q At the end of the last session I asked if you recall, or to state to the court to the best of your recollection between what dates the transport of tuberculer patients came from Dora to Nordhausen.

A The first transport arrived between the 10th and the 12th of March and then from that date on transports used to arrive daily.

Q Now, you stated to the court that these tubercular patients were for the most part housed in Block 5.

A This fact is exact. Most of the TB patients were collected in Block 5.

Q Now, was Block 5 empty or was it occupied prior to the arrival of the first tubercular transports?

A I think I can affirm that Block 5 was installed after Blocks 6 and 7, so that when I arrived at the camp Block 5 was empty.

Q And did it remain empty to the best of your knowledge until the arrival of the first tubercular transport from Dora?

A Maybe some patients suffering from TB were already sent to Block 5 from the transport that came from Harzungen.

Q Do you mean that some of the people from Harzungen arrived before some of the tubercular patients from Dora?

A I think that I stated already that the transport from Harsungen came between the 10th and 12th and the first transport which arrived after the transport left for Ellrich.

Q Then it is correct, is it not, that the first tubercular transport from Dora must have arrived after the 10th or the 12th of March, is that correct?

A Around this date. It is very difficult for me, after two and a half years after all this happened, to be precise about dates.

Q Now, approximately on what date did you request Doctor Kozdas to do something about this capo who was doing the beating in Block 7?

A I can't remember the exact date, but I think I could find it after making some deductions.

Q Please deduce.

A There were around a thousand prisoners in the Block 7 when I put this request in front of Doctor Kozdas between the first transport that came from Harsungen and this date where I put this request before Doctor Kozdas, around 2,500 prisoners arrived at the camp, and that 400 and 500 prisoners a day. So I think that I put this request in around the 18th or 20th of March.

Q Now, when were you appointed as acting or supposedly as a block physician by Doctor Kozdas?

A Between the 10th and the 14th of March.

Q Was it before or after the first Harsungen transport had arrived?

A I can't answer that in a precise way to this question.

Q Well, before the arrival of the Harsungen transport Block 7 was practically empty, was it not?

A Yes. There were about 50 persons in it. Among them were many gypsies.

Q Well, now, surely you can remember whether you entered into your duties as block physician when there were only 50 people in the block or whether you started your duties when there was a large number.

(Maubert-Cross)

A But in any case the first transport to arrive from Harsumgem was not an important transport, it consisted of about 400 people, and I don't think that all these people were put into Block 7, I think they were put into Block 6 as well. The arrival of the transport--the arrivals of the transports were progressive--it lasted several days until both blocks were filled.

Q Now, your appointment as a block physician was an important event in your life in the concentration camp, was it not?

A It was an important factor.

Q Surely you can recall whether when you entered upon your duties as a block physician the block was full or whether there were only just a few people in it?

A No, the block was not absolutely filled, but I remember that the arrival of the transport from Harsumgem didn't make a lot of difference. That can make only a difference of about one or two days for the maximum.

Q Well, when you became block physician surely you immediately inspected the people you were supposed to take care of, did you not?

A I had examinations to make since the beginning, but most of them were for wounds--was to examine wounds--because I remember that the first people I had to take up to the hospital were people who had to be bandaged. Most of them had phlegmones.

Q Well, now, on the day that you became block physician, on that important day in your life in the concentration camp, can you not recall whether the people you were supposed to treat were just 50, or were they a hundred, or were they a thousand people--how many people approximately were in that block?

PROSECUTION: This has been going on now for some minutes, and he consistently says he can't remember within the day. I pray the court's judgment.

DEFENSE COUNSEL: If the court please, I am trying to connect it.

The witness is very evasive in his answer as to when he entered on his duty, and the only way we can get the answer is to associate the two events.

PROSECUTION: I don't agree that he is very evasive. He says that he can't remember.

PRESIDENT: The objection is overruled.

THE WITNESS: I already stated that I didn't have to treat the people in the block, I had to select them, and if the defense counsel would have been in Kordhausen and would have survived through all those bombings, I wonder if his memory would still be as good.

QUESTIONS BY DEFENSE COUNSEL:

Q Do you mean to tell the court by that that your memory is not good?

PROSECUTION: I prey the court's judgment. I object to the question.

DEFENSE COUNSEL: Just a minute. If the court please, I think that the memory of a witness is a very important matter which goes to his credibility. If the witness himself admits that his memory is poor, that is very definitely grounds for attacking his credibility.

PROSECUTION: There is one other thing. If I remember rightly, the French interpreter is not translating all this business. I may be wrong. I say that with reservations.

PRESIDENT: Well, I don't know where that remark fits in, but at any rate, the objection is sustained, and the witness will not answer the question.

QUESTIONS BY DEFENSE COUNSEL:

Q Well, I am going to ask you a very direct question. On the day on which you were appointed block physician, approximately how many people were in your block?

A At the maximum ten or three hundred.

Q Before the noon recess I asked you to tell the court why you did not go with your transport when it left Kordhausen, that is, the transport with which you came, and you answered to the court that—well it is immaterial—

you gave us your reasons for not going. Now, will you continue with that story to the extent of telling us how you managed not to go with your transport?

PROSECUTION: I pray the court's judgment as to the materiality of that from any conceivable point of view.

DEFENSE COUNSEL: If the court please, it is my intention to connect this with succeeding material in the case.

PRESIDENT: Subject to connection, the objection is overruled at this time and the witness will answer the question.

THE WITNESS: It wasn't difficult. The most important thing was to have the courage to try. I had on the left sleeve a brassard with "Medic" which I wore at Allrich. When one is entered the barrack my blouse was in one corner of the block. As I said already, we heard very quickly about the rumor of a new transport being formed. I was decided not to go with this transport. I tried to convince two French comrades to join me in this plan. One of them was called Doctor Reber, and the other one was also a Frenchman called Wachmeau, and was the manager of the Hotel Claridge in Paris.

QUESTIONS BY DEFENSE COUNSEL:

Q Now, will you please tell the court briefly without going into descriptions of other people just how you succeeded in not going on this transport?

A They didn't want to join me in this plan. The latrines were located between Blocks 6 and 7. They took half of the room, and the other room was disposed to get the wash basins. When the SS entered the block all the prisoners were assembled in one end of the block. I took advantage of the disorder and managed to open the door of this room. In this room there were about 10 prisoners who were working there. I just joined them. The SS came into the latrines to see whether any prisoners were there, and they didn't ask the foreman to count the prisoners, and they didn't count them themselves, and it was just pure luck I escaped. I knew very well I was risking my life by doing that, but in the circumstances we were living in that had no importance.

(Recess taken.)

Q Did the fact that you were wearing a Red Cross brassard have anything to do with your ability to stay behind on this transport?

A No, none whatsoever at this moment.

Q All right. In what moment did it have anything to do with your staying behind?

A The same evening after the transport left.

Q In what way?

A When they held evening roll call they noticed that there was still somebody left who was supposed to leave with this transport. On this evening the only person who asked me why I was still there was the block eldest and I showed him my brassard and I told him that is the reason.

Q How did the fact that you were wearing a brassard excuse you from leaving with your transport?

PROSECUTION: I renew my objection, may it please the court, to all this line of inquiry. The promise to tie it up has not as yet, so far as I can see, been fulfilled. What difference does it make—I can't see—what subterfuge the man used not to go some place where he was afraid to go.

PRESIDENT: Is all this examination to be connected?

DEFENSE COUNSEL: Yes, sir, in the next question.

Q Isn't it a fact that after they discovered you and they found out that you had not gone in your transport to Ellrich, you were a doctor and you posed as a doctor in order to stay behind?

A If that would have been done so I would not have on the brassard, I would not have had "medic" or "male nurse" but "doctor".

Q Isn't it a fact that prisoner doctors were often assigned as pflegers?

A Not at Ellrich.

Q How about at Nordhausen?

A What about it?

Q Isn't it a fact that some times prisoner doctors were assigned as pflegers?

A Was there a big difference at camp Nordhausen between the work performed by a doctor or the work performed by a medic?

Q And is it not a fact that you have continued this pretense when you went to see Korsdas and you were summoned to see Korsdas, and you told him that you were a doctor and that for that reason you had stayed behind because they needed you there?

A No, that is wrong. Absolutely wrong.

PRESIDENT: Will the reporter read the last question?

(The last question was read by the reporter; also the answer.)

PRESIDENT: All right; proceed.

Q Do you recall the incident when you claim that Dr. Korsdas, in the presence of Dr. Schmidt, told you that you were bringing too many people up to be bandaged? Please tell the court approximately when that occurred.

A I can state the date because at the time the block was absolutely filled.

Q Please do so.

A It was approximately between the 20th and 23rd of March.

Q And Dr. Schmidt was present?

A Yes, he was seated behind the table of the clerk.

And you have testified that on the 18th you requested Korsdas to do something about stopping the beatings which were going on by the block eldest in your block on the 18th of March?

A Can the defense counsel realize that all the incidents and experiences I had in Nordhausen happened in the period of about three weeks?

DEFENSE COUNSEL: Yes, I realize that. But please answer my question.

A Which question?

Q The question which you have replied to with a question. I would like an answer, please.

PRESIDENT: Wait a minute. Will the reporter read the question?

(The question was read by the reporter.)

A I can answer to the defense counsel that none of the dates I mentioned are set on the exact day.

Q All right; then I will ask you a question which I believe you can, precisely. This complaint which you made of Korzdas, which you made about the beatings which the block eldest was performing in your block, was that complaint made to Korzdas before or after the time you went up and Dr. Schmidt was present and you were told not to bring so many people up to be bandaged?

A I can't answer in a precise way to that question. I know the request was done. That is all. And it was done so repeatedly.

Q On this occasion on which you were taken up before Dr. Schmidt and you were told not to bring so many people to be bandaged, why did not you then tell him when he was present that the reason you had so many people to be bandaged was because this man was beating them in the block?

A I would only say to the defense counsel that it is too bad he never appeared in front of an SS officer in the uniform of a prisoner, then he would understand. And another thing, is, that I was not working for a long time and didn't occupy the position in a camp since a long time.

Q All right; why didn't you tell Korzdas?

PROSECUTION: Now wait just a second. I pray the court's judgment; the answer has not been completed.

DEFENSE COUNSEL: All right, finish it up. This witness' answers are never completed.

A And during all the previous months had been beaten up by the SS and I was afraid of them.

Q You had enough courage to pose as a doctor, didn't you, in order to stay behind?

PROSECUTION: I object to that.

DEFENSE COUNSEL: I will withdraw that question. Why did you not tell Kersdas when Dr. Schmidt was present, that the reason you brought so many people up to be bandaged was because this man was beating your prisoners up in the block.

LT. JONES: If the court please, this question is purely hypothetical, the witness says he does not know whether it was before or after, so how can he answer a question he does not know whether it was before or after.

DEFENSE COUNSEL: Before or after what?

LT. JONES: Before or after he had talked to Kersdas.

DEFENSE COUNSEL: I believe worthy counsel for the prosecution has misunderstood my question.

PROSECUTION: I would like to press the point of my associate. He stated on several occasions that he didn't remember whether he told Kersdas about the beatings before this talk about too many prisoners coming up or after, and in view of the fact he did not remember the comparative dates of these two events, the objection that the question is hypothetical, we submit, is sound; and I pray the court's judgment.

DEFENSE COUNSEL: If the court please, what possible difference does it make whether he had complained to the man before or after. I am asking why he didn't complain to him on this specific occasion when Schmidt was right there, and he could have told him in Schmidt's hearing why this thing was going on. That is my question; not whether he did it before or after.

PRESIDENT: The witness will answer the question.

A I can only answer by that that the defense counsel does not realize what the SS was and the defense counsel was not beaten by the SS day after day without any reason.

Q Is that the reason you didn't ask Kersdas?

A In front of an SS officer; yes.

Q Didn't you request from Kersdas permission for you, yourself, to go see Schmidt and complain, and he refused it to you?

A Yes, that is true; I asked him.

Q Weren't you afraid that you would be beaten?

A That was a very different factor. The fact that Kersdas told me it was impossible for me to talk directly to an SS officer was reason enough not to try to do so. I wish the defense counsel wouldn't forget that the SS were a superior race and that we were treated worse than animals.

Q Your answer leads me to suppose that perhaps you misunderstood my question. My question was not why you didn't ask Dr. Schmidt, or complain to him, when he was there, but why you did not complain to Kersdas in front of Dr. Schmidt. It may be that he has misunderstood; if he has, I will withdraw the question. I am not trying to emphasize the point.

PRESIDENT: I believe the witness has been trying to tell the court, under the circumstances he didn't dare to speak. Is that it?

A Yes, that is correct. Because things that would seem possible to me when no SS was present seemed to me impossible as soon as an SS was present.

Q If I understand your answer correctly, then, your conversation with Dr. Schmidt about these matters, or about your seeing Dr. Schmidt to complain about it must have occurred before. Is that true?

A (No answer.)

DEFENSE COUNSEL: I will withdraw that question.

A It is one of these questions very difficult to answer, because you

you turn around the question a long time and then suddenly you have the finger in the middle. Whether I spoke and put this to Dr. Kersdas before I saw Kersdas and Schmidt together or afterwards is not the point, but I know that in front of the officer SS himself I would never have dared speak. And so in front of all other SS.

Q Well, now, do I understand by that that your experience had been that prisoner doctors did not dare to speak to the SS physicians?

A I wasn't a prisoner doctor myself by occupation, and I could still remember that I came from my work detail without any hair, and I was still bearing the marks of the beatings.

PRESIDENT: The court will recess for fifteen minutes.

(The court recessed at 1600 hours.)

(Whereupon the court reconvened at 1615 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all members of the court are present, prosecution and defense are represented by counsel, all of the accused are present, the reporter and interpreters are present.

At the end of the last session the witness Haubert was under cross examination.

PRESIDENT: The witness is reminded he is still under oath.

HENRY HAUBERT, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, continued to testify through a French interpreter as follows:

(Whereupon the proceedings were translated into the German language.)

CROSS EXAMINATION (continued)

QUESTIONS BY DEFENSE COUNSEL:

Q You have testified that this block eldest in your block beat the prisoners with an iron bar 1 meter long and 3 centimeters thick.

A That is exact.

Q Now, isn't it a fact that an iron bar of that length can not even be handled as a club because of its weight?

A, That is wrong. It can very well be used.

Q What do you estimate the weight of such a bar to be?

A A good 10 kilograms.

Q And you want to tell the court that a man can hold that as a club by one hand -- a bar weighing 10 kilograms, or, in other words, a bar weighing 22 pounds -- and kill a man with it?

A Yes.

Q Now, isn't it a fact that a blow with such an iron bar would fracture a man's skull?

A It depends on the strength with which -- the strength he used.

Q Did all the men who got hit on the head with that iron bar have fractured skulls?

A I can state to the defense counsel that all the people who had been beaten once only by this iron bar had skin of the skull torn.

Q I would like to show you Prosecution's Exhibit P-43. You have testified, in identifying that photograph, that that is in front of Block 7.

A As far as I can remember, yes, because there is something very typical in this picture. There are the rest of human bodies absolutely burned which were covering -- which was covering three-quarters of another body who looked like a skeleton. As far as I can remember, there are only two places in this yard where such scenes could be seen, and it is normal to say that those -- and it was the normal thing that the burned bodies were as near as possible from the fence because they came from Blocks 3 and 4, which are the only blocks which were burned down. And Blocks 3 and 4 were located exactly opposite this fence, and old bodies and all the rest of human bodies had been assembled in the yard before -- in front of Blocks 6 and 7, and Germans did this work. This work was done 10 days after the bombing. The Germans who did that didn't wear any masks, and I can tell to the defense counsel that they tried to do this job as quick as possible.

Q Were you personally present when that photograph was taken?

A I was at Nordhausen on the 13th of April, and on this day those bodies were -- pictures were taken of those bodies hundreds of times on the same day; and, if I didn't see maybe exactly this picture being taken, I can state to the defense counsel that the whole scene is very familiar to me. I think that even this scene would strike a prisoner.

Q Do you recognize any of the people in that photograph?

(VAPPERT - Cross)

A I want the defense counsel to believe me when I saw the following: When I came back to Nordhausen on the 13th of April, the bodies of the dead prisoners had changed to such an extent that it wasn't possible for me to recognize even the people I knew very well and the ones I saw die in my vicinity during the bombings.

Q In other words, these bodies did not look anything like the bodies, or, like the men did when you saw them before you left on the 4th of April, is that right?

A I think this is a very tricky question. If the defense counsel looks very carefully at this picture and especially at the naked body at the bottom of this picture, he will be able to note this -- the spots on the hips of this body -- they were green spots. But, unluckily, here on the picture they are only gray. But one thing can't be mistaken by one prisoner -- it is the quality of the clothes which are covering those bodies. Everybody knows those shorts, those striped clothes, those sweaters made out of excelsior, and all this dirt covering those bodies.

Q Well, now, you say that when you returned to Nordhausen these bodies had undergone such changes that you were not able to recognize any of your former comrades. Does this scene represent the bodies in the condition they were in after such deterioration had taken place?

A Yes, of course, but I don't think that 10 days standing in the open air would have put more fat on those bodies which obviously are in terrific state of emaciation.

DEFENSE COUNSEL: Did the witness say "emaciation" or "decomposition"?

INTERPRETER YOLANDE KELLER: "Emaciation."

Q Now, is that scene a natural scene or were those bodies brought from some other place in order for that picture to be taken?

A I think I stated before that all the bodies were assembled in the yard in front of Blocks 6 and 7. That is the only way we were able to count them. But I know, because I saw it, that the bodies of the civilian workers were not mixed together with the bodies of the prisoners and that in the cemetery the graves contained only the bodies of prisoners -- those graves which are pictured on other documents.

Q Now, was that picture taken on the same day that you saw that scene?

A I think on the day I saw this special scene, this had been -- pictures had been taken of that more than 10 times, and there were on this day, on the 13th of April, many American soldiers who came and they couldn't believe their eyes when they saw the state of emaciation of those bodies. And those bodies remained in the yard in front of Blocks 6 and 7 at least for 4 days before they were buried. When I came there on the 13th, the Americans were in Nordhausen already since the 11th.

DEFENSE COUNSEL: I would have stopped him a long time ago, but you always object and say "Let the witness finish his answer." That is why I haven't done so.

PROSECUTION: Wait a minute. Will you please translate that last statement to the witness?

(Whereupon the interpreter did as requested.)

WITNESS HENRY VAUBERT: I think that some of the facts I just mentioned could be very useful.

Q I now show you Prosecution's Exhibit P-47.

→ A About this picture I said this morning that it was reversed.

Q When did you first witness that scene personally?

A Do you mean by that, when I saw the scene of all those bodies lined up?

Q I mean that particular scene that is represented in that photograph which you said you recognized when you identified that photo-

graph.

A I recognize it very well, because that lasted for 3 days.

Q When was the first time that you saw it? On what date?

A I said so, on the 13th of April.

Q Do you recognize any of the bodies there as any of the people you know, or knew?

A I just said it before, I could not recognize anybody. One should have very good eyes to be able to recognize anybody on this picture.

Q When you witnessed that particular scene, did you recognize any of the bodies that were lying there then?

A I said, no; that I was unable to recognize any of my comrades.

Q Do you know when that picture was taken?

A Not exactly.

Q Then how can you tell the court, as you did in identifying that picture, that those bodies were taken from Blocks 5, 6, and 7, when you were not present when they were taken out and assembled? How do you know where they came from?

A It is not very difficult to explain. I just -- I said before, I think, that the total number of prisoners in the whole camp were 4000 people, as far as I can remember, and in Blocks 5, 6, and 7, and in the hospital there were the eight-tenths of the total number of prisoners of the camp. I said that during the first bombing Blocks 3 and 4 had been destroyed. With some exception, those blocks were filled with workers, and the bombing occurred at 2 o'clock in the afternoon. The blocks were empty because the workers were at work.

Q How do you know those bodies didn't come from Blocks 3 and 4 or that they were brought there from Dora or some other camp?

PROSECUTION: I pray the court's judgment. They might have dropped from Heaven, too.

DEFENSE COUNSEL: If the court please, I am asking him -- cross examining him on the identification of that photograph and its contents.

PROSECUTION: I object.

(Addressing interpreter) Don't have him answer the question. I have objected to it.

(Addressing court) I was trying to stop him from blurting out the answer.

PRESIDENT: The witness will answer the question.

A I am willing to answer this question. It is very simple. I just stated before that Blocks 3 and 4 were empty and that very few people of those blocks had been killed. I had the opportunity to verify that myself because after the first bombing the physician Normand, myself, and two or three persons of the personnel of the block, we went into Blocks 3 and 4, which were burning, to go and get the few prisoners who were still there -- I don't know for what reason; and on the next morning Blocks 3 and 4 were not directly hit again. But as what I can state to the defense counsel, that I was present during those bombings, and I could ascertain what the bombings did to my comrades, or, the result of the bombing on my comrades.

Q Just a minute. Were there any prisoners from Blocks 3 and 4 who were killed during any of these bombings?

A Some of them, yes.

Q Were they included in the bodies that are in there or are they not?

DEFENSE COUNSEL: For the record, I am indicating Prosecution's Exhibit P-47.

A I am certain that they were assembled together with all those bodies, but the defense must understand that I can't show him on this

picture which ones came from Blocks 5 and 6.

Q Then, when you told the court that that scene represented the bodies which were brought out of Blocks 5, 6, and 7, you forgot to mention the ones that came from Blocks 5 and 6, is that right?

A Do a the defense counsel think that on a total number of 3,200, a difference of 40 or 50 would make a big difference in the number?

Q Do you want to tell the court that there are three or four thousand bodies in that picture, P-47?

A I am not that stupid. But, on the left on this picture there you can see the working detail who, during 4 days, used to bring up all the bodies together. And I could add some supplementary explanation on this question.

Q Yes, I am sure you could, but will you please look at Prosecution's Exhibit P-48 first. You identified that as being one of the left corners of Block 6, as I recall.

A Yes.

Q Now, did you witness that scene personally -- that particular scene?

A No, when I came back or -- When I came back later there was nobody more in this corner alive, because the Americans had taken on the 11th of April all the people who were still alive; but, as for the rest, everything was in the same condition.

Q Now, can you tell from that photograph that that straw has any fecal matter in it?

A If the defense counsel would have been there, he would have smelled it.

Q You weren't there, either, were you?

A But I said that several days later it was in the same state.

Q How do you know it was in the same state if you didn't see it

in that state?

A Because this corner of Block 6 was the only one in the camp where there was such a -- in the hospital camp where there was such a heap of excelsior.

Q So, in other words, from the fact that on the 13th of April you saw a similar pile of straw with excrement in it, you assume that this pile of straw in this picture that was taken on the 11th of April had excrement in it; is that right?

A I would show to the defense counsel that there are on this picture the latrine and radiator. I know perfectly well this latrine and I recognize perfectly well this radiator, but what I also know is that all personnel alive had been taken away and that new excrement couldn't have been added to that.

PRESIDENT: The court will recess until 9 o'clock tomorrow morning.

(Thereupon the court recessed at 1700 hours, 25 September 1947, until 0900 hours, 26 September 1947.)

UNITED NATIONS ARCHIVES	CAMERA OPERATOR'S REPORT AND CERTIFICATE	REEL NO. 113

PRODUCTION DATA	PERIOD	INDEXING DATA	CODE NO.
STARTED 6 MAR 1989 FINISHED 10 MAR 1989 TOTAL NUMBER OF IMAGES 2676		United Nations War Crimes Commission (UNWCC) Member Governments, other National Authorities and Military Tribunals PAG- 3/2.2. boxes 299-301	
		Reports of National Military Tribunals U.S. Military Courts War Crimes Trial Reports and Transcripts of Proceedings, Testimonies, Affidavits, Court Exhibits, Certificates and other Records of Trial	
	Jul.-Aug. 1901	Trial of F. Braganza, Manila, Philippines, by a U.S. Military Commission - Proceedings (copy)	
		Case Record of Trial of Arthur Andrae et. al. (Case No. 0005037) U.S. 541	
	28 Aug.1947	Vol. 1-15	
	29 Aug.1947	Vol. 16-32	
		End of Reel 113	
APPROVED:			

CERTIFICATION

I certify that the micrographs appearing in this reel of film are true copies of the original records described above.

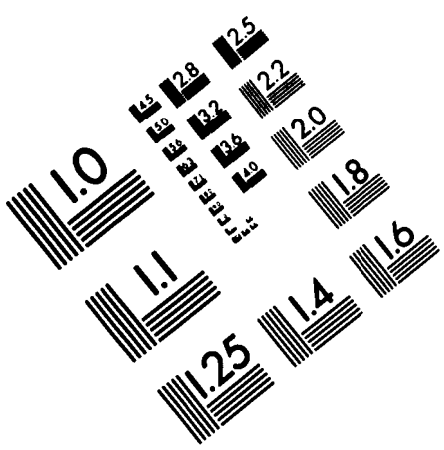
Date: 10 MARCH 1989

Signature of Camera Operator: Steven J. Luna

RMS.45 (11-83)

REDUCTION

26X



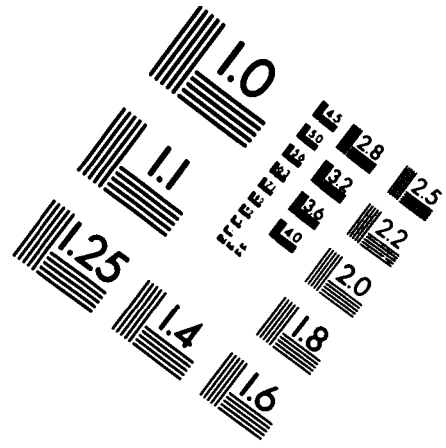
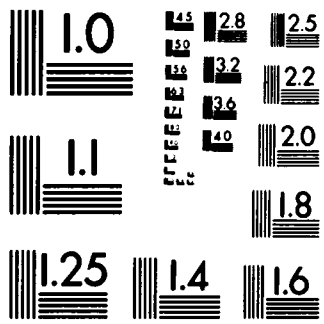
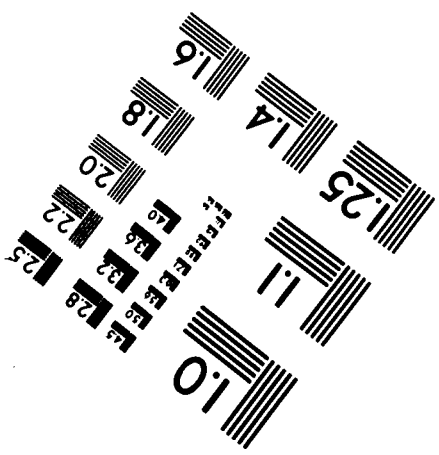
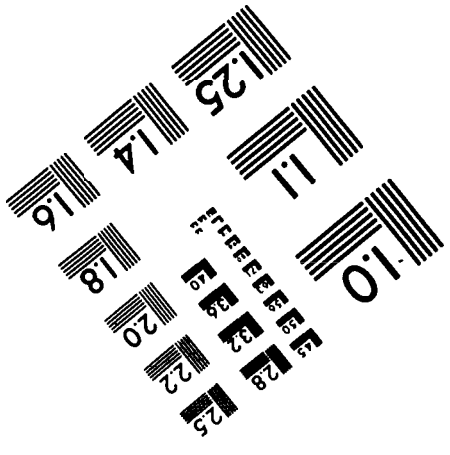


IMAGE EVALUATION
TEST TARGET (MT-3)







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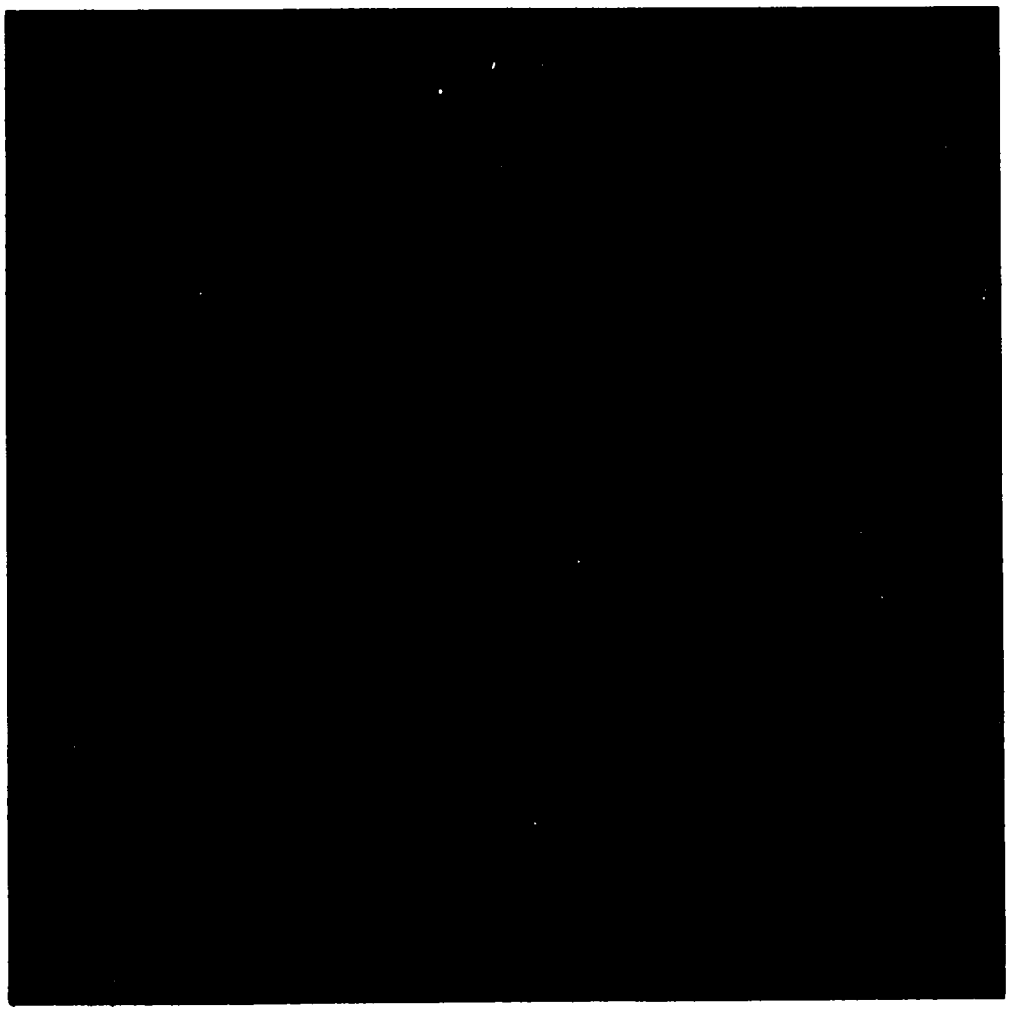

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REEL

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